

ANGUS COUNCIL**DEVELOPMENT CONTROL COMMITTEE****9 JANUARY 1997****SUBJECT: FARM PARK, LETHAM GRANGE****REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

Abstract: This report provides more detailed information in relation to a development at Farm Park, Letham Grange.

1 RECOMMENDATION

It is recommended that the Committee notes the information provided within this report and takes it into account when considering report 1045/96.

2 INTRODUCTION

- 2.1 Reference is made to the meeting of the Development Control Committee on 5 December 1996 when report No. 1045/96 was considered. The Committee agreed to defer consideration of the report pending a further report setting out in more detail the planning history of the development including, in particular, the appeal decision in relation to the harling condition. This report presents additional information and the Reporter's decision on the appeal, which was reported to the Development Control Committee on 6 September, is appended together with report 1045/96.

3 PLANNING HISTORY

- 3.1 The various Committee minutes are attached to the report which along with the Inquiry Reporter's statement outline the planning history of the Farm Park development.

4 DISCUSSION

- 4.1 In report 1045/96, two options were discussed. These were to insist upon harling or to allow painting as an alternative. The key factors are the decision of the Development Control Committee on 13 June 1996 when it was resolved that the applicant be given the option of painting as an alternative to harling, and the decision of the Reporter to dismiss the appeal against the harling condition. By offering the option of painting, albeit in an attempt to avoid the time and expense of an appeal, the Committee accepted that painting would be an acceptable treatment. The possibility of painting was not considered during the appeal process and accordingly the Reporter, in upholding the condition of harling, has not specifically rejected painting. If the Committee remains of the view that painting is an acceptable treatment then it is open to it to permit such a course of action. This could be achieved administratively by appending the decision of the Committee to the existing planning consent and thereby in effect setting aside the condition of harling.

- 4.2 Alternatively, the Committee in light of the appeal decision, may wish to take the view that harling is a substantially better treatment given its durability and, in these circumstances, to reconsider its earlier minuted view on painting. If this course of action were to commend itself then it would be appropriate for the Committee to formally express that view and instruct the Director to take the appropriate action with a view to securing compliance. This would take the form of serving a Breach of Condition Notice, should agreement not be reached.

5 CONSULTATION

- 5.1 The Director of Law and Administration has been consulted in the preparation of this report.

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/IAL
27 December 1996

Alex Anderson
Director of Planning, Transport & Economic Development

PREVIOUS MINUTES

A.D.C. Planning Committee 19.2.96.

99. Planning Application - Letham Grange Hotel,
Colliston, Arbroath

The Committee considered application No. 01/95/1769 by the Letham Grange Development Co. Ltd. in respect of change of use of the existing Administration Block to form additional hotel rooms and application No. 01/95/1755 in respect of alterations to the Stables Staff Block to create 10 en-suite bedrooms with car parking, detailed in report (R55/96) by the Director of Planning with recommendations of Refusal and Conditional Approval respectively.

Slides were shown, and Mr. Liu the owner was heard followed by two representatives for the objectors.

Provost Milne, the Local Member was then heard and, whilst supportive of development at Letham Grange, urged that consideration be given to the residents and moved in accordance with the Director's recommendations. There was no seconder and the motion accordingly failed.

Mr. Suttie seconded by Mrs. Ritchie moved that both applications be conditionally approved. Mrs. Thomson raised the question of supervision of such satellite accommodation and the applicant responded. Detailed discussion took place and it was agreed that both applications be conditionally approved with relevant conditions for the change of use of the Administration Block being submitted to the next meeting of the Committee.

A.D.C. Planning Committee 4.3.96.

164. Planning Application - Former Administrative Block,
Farm Park, Letham Grange

Further to minute 99/96 when the Committee granted conditional approval for change of use and alterations of the long narrow red brick building known as the Administrative Block at Farm Park to provide 10 bedrooms with en-suite facilities as an annexe to Letham Grange Hotel, the Director of Planning submitted a note (R90/96) suggesting that the following condition be imposed:-

"That the bedrooms are for the use of hotel patrons only on a limited stay basis and shall be used for no other purpose."

During discussion it was also suggested that a condition stating that the building be harled to the Director's specification be imposed. The Director of Planning then advised that revised plans had been received in respect of the proposals which involved the provision of external doors to each apartment and Provost Milne, seconded by Mr. King, moved that the application be deferred to the District Council meeting to allow further consideration to be given to the matter.

On a vote being taken, three voted for the motion and seven voted against the motion. The motion accordingly failed and the application was recommended for conditional approval. The Committee further requested that the Director, after consultation with the applicant, prepare a note for submission to the District Council on why the amended plans were necessary and on the implication of imposing the harling condition.

A.D.C. Council 25.3.96

(8) Minute of meeting of the Planning and Development Committee held on 4 March 1996.

With reference to minute 164 (Planning Application - Former Administrative Block, Farmpark, Letham Grange) there was submitted and noted a note (R107/96) outlining the amended plans submitted in respect of the conversion of the old Administration Block into dormitory accommodation. There was also circulated an updated note advising the Council of objections from a neighbour and of the willingness of the applicant to satisfy those objections. After considerable discussion, the Council agreed that the amended plans be accepted without the need for a further planning application and thereafter approved the application subject to the undernoted conditions:-

(a) That the bedrooms are for the use of hotel patrons only on a limited stay basis and shall be used for no other purpose.

(b) That all windows on the rear elevation be non-opening and be double glazed.

(c) That all doors on the rear elevation be deleted from the proposed alterations.

(d) That prior to commencement of work on the conversion, a fence of at least two 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.

(e) That before work is commenced, a plan be submitted incorporating the conditions herein specified for the prior approval of the planning authority.

(f) That the external walling be finished in a tinted roughcast, the colour to be to the satisfaction of the Director of Planning.

DEVELOPMENT CONTROL COMMITTEE 13.6.96.

9. **PLANNING APPLICATION NO 01/95/1769 - CHANGE OF USE/ALTERATIONS TO FORM BEDROOM ACCOMMODATION AT THE ADMIN BLOCK, LETHAM GRANGE, BY ARBROATH**

On the determination of the Convener, the Committee considered this item as a matter of urgency in view of an appeal having been lodged and the desirability of considering work carried out.

There was circulated Report No 501/96 by the Director of Planning, Transport and Economic Development on an application by Letham Grange Hotel to convert an old administration block into dormer bedroom accommodation, which was approved by the District Council in March 1996.

The Report advised that the applicant had lodged an appeal with the Secretary of State against three of the conditions imposed, namely the style of the windows, the requirements for a fence and the harling of the building, but that the potential existed to resolve at least two of the subjects of appeal, leaving only the condition regarding the harling of the building outstanding.

After hearing the Director of Planning, Transport and Economic Development on the matter, the Committee:-

- (i) noted that the windows and fence were now acceptable to the Director; and
- (ii) agreed that, in relation to condition 6, the applicant be advised that the requirement that the wall be harled or, as a compromise, a masonry paint applied to the satisfaction of the Director, must be complied with.

DEVELOPMENT CONTROL COMMITTEE 5.12.96.

3. **FARM PARK, LETHAM GRANGE - AMENDMENT TO CONDITION**

There was submitted Report No 1045/96 by the Director of Planning, Transport and Economic Development seeking to amend a condition imposed by the Committee on 13 June 1996 relating to the conversion of the red brick administration block to hotel bedroom accommodation. The Report gave a brief history of the application and the existing condition that recommended that the developer's proposal to seal and paint the building, as an alternative to harling it, should be accepted, with the proviso that the work be carried out no later than 31 March 1997.

Councillor Milne, seconded by Councillor King, moved that the existing condition that the developer harl the building, remain in place.

COUNCILLOR HUDGHTON, SECONDED BY COUNCILLOR YOUNG, MOVED AS AN AMENDMENT THAT CONSIDERATION BE DEFERRED TO THE NEXT MEETING TO ALLOW OFFICIALS TO BRING FORWARD A MORE DETAILED REPORT ON THE HISTORY OF THE APPLICATION AND THE OPTIONS AVAILABLE TO THE AUTHORITY.

On a vote being taken, the members voted:-

For the motion:-

Councillors Ellis, King, Milne and Shand (4).

For the amendment:-

Councillor Mowatt, Doig, King, Leask, Middleton, West and Young (7).

The amendment was declared carried and became the finding of the meeting resulting in the matter being deferred to the next meeting.



A Wright Esq.
General Manager
Letham Grange Hotel
Letham Grange
Colliston
Angus
DD11 4RL

Telephone 0131-244666
Fax 0131-244 5680

Our reference: P/PPA/120/3

27 August 1996

Dear Sir,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972: SECTION 33 AND
SCHEDULE 7
PLANNING APPEAL: FARM PARK, LETHAM GRANGE, ARBROATH**

1. I refer to your appeal, which I have been appointed to determine, against conditions imposed on the grant of planning permission by the former Angus District Council for the change of use and alterations to form bedroom accommodation for hotel use at Farm Park, Letham Grange. I made an accompanied inspection of the appeal premises and the surrounding area on 11 July 1996. The exchange of submissions was subsequently concluded on 19 August.

2. The appeal premises are located within the policies of Letham Grange which has been converted to an hotel, golf courses and an extensive residential development in a parkland setting. The planning permission which is the subject of this appeal has been implemented. The building has been converted and is now in use as guest accommodation. It is a long narrow single storey terraced block with red brick walls and a slated roof. Some of the windows on the front elevation have sandstone mullions, others have stone or exposed concrete lintels and there are 2 carved sandstone panels set into the gable walls of projecting outhouses. There are 2 sections on the front elevation where the brickwork is a different colour due to the removal of a surface treatment. A number of trellis panels have been fixed to the wall and some planting has been undertaken. On the rear elevation there is a larger panel of brickwork which remains painted. It is close to a large chimney which is shown as being demolished on the approved drawing. There are 10 new exposed concrete lintels over the window openings, a doorway has been bricked up and, in each of these locations, the repaired pointing contrasts with the rest of the wall. The neighbouring houses in this part of the estate exhibit a number of different surface finishes including brick, white aggregate and coloured dry dash.

3. The planning permission granted by the former district council authorised the development subject to 8 conditions. Your appeal was originally lodged against 3 of these conditions:

"02 That all windows on the rear elevation be non-opening and be double-glazed.

04 That prior to commencement of work on the conversion, a fence of at least 2 m 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.

06 That the external walling to be finished in a tinted roughcast, the colour to be to the satisfaction of the Director of Planning."

4. Your appeals against conditions 02 and 04 were subsequently withdrawn for reasons which have not been disclosed. Only the appeal against condition 06 remains for determination.

5. The development authorised by the planning permission was detailed in the approved drawing titled "Letham Grange Hotel - Conversion of Staff/Office Block to Bedrooms - Plans+Elevations+Details - February 1996". Annotated details relating to the front elevation state "existing bricks to be cleaned and pointed where necessary". There are 4 annotations "harled" spaced along the entire elevation. In relation to the rear elevation, the drawing carries the annotation "rear elevation to be wet dash lime harl to cover defective brickwork-concrete lintels". There is a further annotation "harled" positioned centrally on that elevation. Neither the planning application nor the annotations on the drawing detail the colour of the wet dash lime harl then proposed.

6. You contend, **in support of the appeal**, that the building is of historic interest and construction because it is finished in red brick and was built long before any of the neighbouring property with which it is held to be out of character. The developer took the opportunity to utilise an existing, period building so as to secure the long-term future of the estate and employment in it. The matter now at stake is subjective. The building will be far more attractive and in keeping with the ambience of the area if the brick finish is retained and enhanced by trellising and planting to achieve a country cottage character, rather than finished in tinted roughcast. Brick is not unique in the recent developments at Letham Grange. Of the 109 new houses, 62 are either brick or part brick. Of the total housing stock about 35% is wholly finished in brick. In your view the roughcast which the council prefer is neat but it is not attractive to look at and the effect which they desire will be expensive to achieve. You conclude that the disputed condition is unreasonable, inconsistent and unnecessary.

7. **Angus Council** refer to the processing of the planning application by their predecessors and state that there are no other buildings finished in this alien "English Railway" red brick in the vicinity and that the new brick houses are in groupings designed to complement each other. This building is approached past 3 modern houses finished in light harling and is now out of character with the architecture of its surroundings despite the fact that it was there first. They consider that the brickwork of this building is deteriorating and patchy. The council refer to the fact that the approved drawings show that the rear elevation was to receive a wet dash lime harl to cover defective brickwork and question the resistance to harling the front elevation which is not in much better condition. The council consider that the building is of no historical interest whatsoever and would have welcomed demolition. They suggest that trellising and subsequent planting will not achieve sufficient coverage to obscure it. In view of the considerable local opposition to the principle of the development

the former council felt that, as a trade off for this intrusion, the least the hotel could do was to improve the appearance of this "time-expired" building.

8. Representations were made by one local resident in support and by 11 residents and the Letham Grange Houseowners' Association opposed to the principle of this development, which is not at stake given the former council's decision to grant planning permission. Many of those residents also referred to the details of the development, including the issue of roughcasting. In those submissions relevant to this case it is held that the appearance of the building is now worse than previously and that the visual amenity of the area would benefit from a harled finish.

CONCLUSIONS

9. Section 18A of the Act requires the determination in this case to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. No part of the development plan has been drawn to my attention as being relevant. Therefore, in my judgement, based on my inspection of the appeal site and the surroundings and my reading of the submissions, the issue to be determined is whether the disputed condition meets the 6 tests set out in the Secretary of State's policy which is contained in Circular 18/1986 "The Use of Conditions in Planning Permissions".

10. I find that the details shown on the drawing which was submitted on your behalf are clear. On any reasonable interpretation these convey the intention to repair, clean and point the brickwork; build up a door; install new lintels and treat the brickwork with wet dash lime harl. In relation to the appearance of the building that was the development which the council authorised when they granted planning permission.

11. The Circular states that conditions should only be imposed where they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. Taking these tests in turn I find that the disputed condition (06) is necessary because the colour of the proposed harling is not specified in the planning application or on the approved drawing and the condition requires no more than consultation and subsequent approval. It is clearly relevant to both planning and the development to be permitted because it arises from the terms of the planning application which was approved. I am in no doubt that a condition in these terms is enforceable and I also find that it conveys the requirement with precision, there being no effective difference between the English expression "roughcast" used in the condition and the Scottish expression "harled" which is detailed on the approved drawing.

12. The burden of your case in support of the appeal relates primarily to the final test. I have considered whether the annotations could, given their disposition, have been intended to relate to areas of damaged or defective brickwork, but find, based on my site inspection, that such an explanation is not credible. I find no evidence that the historic interest to which you refer could be held now to justify the retention of the brick finish in spite of the terms of the planning application which was approved. I have given careful consideration to your argument that the visual effect of the development completed in the manner which you now propose would be more in keeping with the ambience of the estate. This is, as you suggest, a subjective matter but I do not, on balance, find that trellising and planting would either more

effectively hide the blemishes and damage on the exterior of this building or more effectively create the character to which you aspire than compliance with the terms of the approved drawing to which the disputed condition is pursuant. I therefore find, taking account of your complaint about the likely expense, that the disputed condition is reasonable in all other respects.

13. Accordingly, in exercise of the authority delegated to me, I hereby dismiss this appeal and refuse to discharge the disputed condition. I have taken account of all the other matters raised in the submissions but these do not outweigh the considerations on which my decision is based.

14. The foregoing decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks from the date hereof as conferred by sections 231 and 233 of the Town and Country Planning (Scotland) Act 1972; on any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992 or of any orders, regulations or rules made under these Acts.

15. A copy of this letter has been sent to Angus Council and to Mr Baxter as Chairman of the Letham Grange Houseowners' Association. Other interested parties have been informed that the appeal has been dismissed.

Yours faithfully



JM McCULLOCH
Principal Reporter

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5 DECEMBER 1996

SUBJECT: FARM PARK, LETHAM GRANGE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: Following the dismissal of their appeal against a condition requiring harling of walls, Letham Grange Hotel has offered painting as an alternative.

1 RECOMMENDATION

It is recommended that the Committee agrees that the proposals set out in paragraph 3.1 of this report are acceptable with the proviso that they are carried out not later than 31 March 1997 and that the condition relating to harling be amended accordingly.

2 INTRODUCTION

- 2.1 In March 1996, Letham Grange Development Company obtained planning consent for the conversion of a red brick administration block to hotel bedroom accommodation. A number of conditions were imposed including one requiring the harling of all external walls. The applicants appealed against three of the conditions but efforts were made to resolve the disputed conditions, including an offer by the Council, in order to avoid an appeal altogether, of painting instead of harling. While two of the appealed conditions were duly resolved and withdrawn, the applicants proceeded with the appeal in respect of the requirement to harl the walls. That appeal was recently dismissed and the hotel operators have now requested the Committee's agreement to paint the walls rather than the harling required by the condition.

3 APPLICANT'S CASE

- 3.1 The following letter has been submitted by the General Manager of Letham Grange Hotel in support of painting the walls:-

"Further to our conversation I am writing with regard to the finish to be applied to our new bedroom accommodation at Letham Grange.

Having considered a number of options available to us, we have decided that the finish most likely to achieve the desired appearance of the building at Farm Park would be the following:

- firstly, an application of masonry sealer to smooth out all rough patches and uneven brickwork,

- apply two coats of Santex masonry paint of a colour to be approved by yourself,
- finally, an application of uniform cement margins and sills on all windows and doors.

This we feel would overcome any fears or concerns over the "alien" brick and we are confident that it will vastly improve the look of the building and enhance the attractiveness of the estate.

We have already enjoyed a reasonable increase in the level of visitors and tourists to Letham Grange and many have commented favourably on the additional rooms. We hope, that by finishing the building in the above manner, we will continue to attract visitors to the area from far and wide."

4 REPRESENTATION

- 4.1 An initial letter was received from Mr. R. Thomson who, as the nearest houseowner to the development, has been a consistent objector. In his letter he states that as the Secretary, he is representing the views of the Letham Grange Houseowners' Association in demanding that the harling condition be enforced at the earliest opportunity. Officials responded to Mr. Thomson who submitted a further letter which is appended to this report.

5 OPTIONS

- 5.1 Two options are open to the Committee:-
- a) to permit the walls to be painted a suitably tinted colour; or
 - b) to insist upon the harling condition being complied with and setting a deadline for its compliance.
- 5.2 The reason for imposing the requirement to harl the accommodation block was to remove the visual impact of the existing red brick and thereby make it more in keeping with the more recently constructed houses. The proposal to paint the building would also achieve this objective and when viewed at a distance it would be difficult to distinguish between the two finishes. A further factor to be taken into account is that the condition relating to harling does not specify when this action is required. Accordingly, there may be difficulties in securing early compliance with the condition. Having regard to the main objective of removing the appearance of red brick, it is my view that this can be most quickly achieved by amending the requirement to harl to allow painting but with the imposition of an early date by which the external treatment is completed.

self,
and
are
the

6 FINANCIAL IMPLICATIONS

6.1 There are no financial implications on the Council with either option.

7 CONSULTATION

7.1 The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the preparation of this report.

to
e
t

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/IAL
27 November 1996

Alex Anderson
Director of Planning, Transport & Economic Development

Copy to: Director of Planning
Councillor Brian Milne

3 Farm Park
Letham Grange
By Arbroath

ANGUS
DD11 4QR

25/11/96.

John Jepson Esq
Head of Development Control
Angus County Council
St James House St James Road
Forfar
Angus
DD8 2ZP

Dear Mr Jepson

01.95.1769 CHANGE OF USE ADMIN BLOCK LETHAM GRANGE

I thank you for your letter dated 19th November 1996 in reply to mine dated 1st November in connection with the harling of the admin block at Farm Park, Letham Grange.

My wife and I were astonished to read in your letter that the situation regarding the harling of the building could still be in some doubt particularly in view of the report and decision made by the Reporter in the summer of this year.

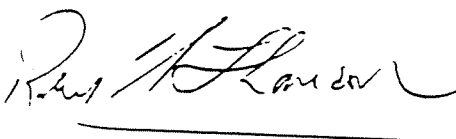
We still feel most strongly that in order to preserve the environment and visual amenity of the area that the Council should still hold to their original condition as laid down in condition 06 of the planning consent which stated "That the external walls be finished in a tinted roughcast, the colour to be to the satisfaction of the Director of Planning"

We still do not believe that simply painting the walls of this rather delapidated building would achieve the same effect.

Apart from the advantage to the environment and to local house owners the harling of the building would also be of considerable benefit to the Hotel as we know that a number of guests on arrival have been somewhat dissatisfied with the outward appearance of the building.

We sincerely hope that the successful harling of this building will bring to an end a year of unhappy relations between the Hotel, local houseowners and the Council.

Yours sincerely



Robert S Thomson



Mrs Margaret A Thomson.