

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

**PLANNING APPLICATION – LAND TO THE WEST OF INNERVAR, PANMURE ROAD,
MONIKIE**

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

<p>Abstract: This report deals with planning application No. 01/00793/OUT for the erection of a Scout Hut facility for I. G. C. MacDonald & Co. on land to the west of Innervar, Panmure Road, Monikie. This application is recommended for conditional approval.</p>
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1 INTRODUCTION

- 1.1 Outline planning permission is sought for the erection of a scout hut facility on land to the west of Innervar, Panmure Road, Monikie.
- 1.2 The application site is located to the west of Panmure Road some 150 metres south of the Fiddlers Public House. It sits immediately west of and shares a common boundary with the dwelling known as Innervar. The site, which is presently flat arable, land measures some 1200 square metres in area and is accessed via a lane that runs to the south of Innervar. The area surrounding the site is predominantly residential in character however a small field adjoins the site on its western boundary.
- 1.3 No details of siting or design have been provided at this stage. The application originally included the re-siting of the existing scout huts in its description of development however this has been deleted from the proposal.
- 1.4 The application has been advertised as bad neighbour development.

2 APPLICANT'S CASE

- 2.1 The applicant has indicated that a number of alternative sites were investigated however the application site is considered most suitable as it relates well to the built form of the village and is close to the Country Park.

3 CONSULTATIONS

- 3.1 No adverse comments have been received from consultees.

4 LETTERS OF REPRESENTATION

- 4.1 Two letters of objection have been submitted and are attached to this report. The main areas of concern relate to:-

- **Road safety:** I note the objectors' concerns however the Director of Roads has raised no objection to this application. Panmure Road is particularly straight at this point, is governed by a 30 mph restriction and the wide verge along the west side of the road provides reasonable visibility in both directions from the access.
- **Local Plan policy:** I will address this under Planning Considerations.
- **Loss of privacy and noise nuisance:** I will address this under Planning Considerations.

5 PLANNING CONSIDERATIONS

5.1 The determining issues in this case are whether the proposal:-

- complies with development plan policy;
- can be suitably drained;
- will significantly reduce the privacy and/or amenity of neighbouring occupiers.

5.2 The proposal is outwith the scope of the Tayside Structure Plan 1993.

5.3 The Angus Local Plan 2000 is the primary consideration in the determination of this application. In this case the application site lies outwith but immediately adjacent to the development boundary of the village as defined in the Local Plan. Policy ENV4 is of relevance and states that:-

“Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and prevent uncontrolled sporadic growth. Development outwith but adjacent to these established boundaries would only be acceptable, except where other policies of this Local Plan apply more specific controls, where:-

- (a) there is a proven public interest for the development and social, economic or environmental considerations confirm an identifiable and overriding need which cannot be met by sites within the development boundary or by reasonable alternative means; and
- (b) the proposal is of a scale and standard of design appropriate to its location, capable of being absorbed into the landscape setting and enhancing the urban form.”

5.4 Proposal Mk/H1 of the Local Plan states that:-

“4 ha of land and buildings comprising the former granary at Monikie provides an opportunity for redevelopment. Housing is the preferred use with the site capable of being comprehensively redeveloped to provide up to 60 units. Full development will be dependent on investment to renew the village wastewater treatment plant. Because of this drainage constraint NoSWA are only prepared to allow an initial phase of eight houses. Opportunity will also be taken as part of any redevelopment proposals to improve the road alignment at the corner of Panmure Road.

A development brief will be prepared in consultation with the landowner detailing land uses for the whole site, and reflecting the need for a road improvement scheme, landscaping, open space requirements and pedestrian/cyclist linkages with the village and adjacent Country Park. It is desirable that the future provision of a scout hut within the Monikie Development Boundary can be agreed by all interested parties.”

- 5.5 The Local Plan clearly recognises that the scout hut is an important community facility which it is desirable to retain within the village. However, it also recognises that it is desirable to facilitate the redevelopment of the former granary and this appears to necessitate the relocation of the current scout hut.
- 5.6 The redevelopment of the former granary site and the retention of the scout facility within the village are both considered to be in the public interest. Whilst there may be a number of potential sites that could accommodate the scout hut, this is the only one for which a planning application has been submitted and a judgement must be made whether this site is acceptable. Accordingly, although the site is outwith the delineated development boundary, I consider that the current proposal is compatible with the exceptions permitted in Policy ENV4. It is physically well related to the existing settlement and is a logical minor extension to the village envelope. If the facility does relocate to this site the development boundary could be readily amended to incorporate the site in any Local Plan review.
- 5.7 Although the proposed site lies within a sewerred area it is indicated that foul drainage will be treated in a septic tank discharging to a soakaway. Policy INF3 of the Local Plan states:-
- “Development proposals involving the provision of private waste water treatment plant, biodiscs, septic tanks or similar will only be acceptable where:-
- (a) the proposed development is in accord with the policies in this Local Plan; and
 - (b) the site is outwith the public sewerage system; and
 - (c) there is no detrimental affect to a potable water supply, or supply for animals or an environmentally sensitive water course or loch; and
 - (d) the requirements of SEPA and/or The Building (Procedure) (Scotland) Regulations 1987 are met in relation to installation, e.g. proximity to buildings.”
- 5.8 Monikie is subject to a drainage constraint, however, NoSWA have indicated that given the nature of the proposed use (a community facility) a connection to the public sewer would be permitted. Whilst a septic tank arrangement may have been acceptable for a temporary period if a connection to the public sewer was not immediately available, given the positive response received from NoSWA, there is no reason to allow a septic tank contrary to Policy INF3 and I propose to attach a condition requiring connection to the public sewer.

5.9 Policy H21 of the Local Plan states that:-

“Development proposals which have a significant adverse affect on the character and amenity value of existing housing will be resisted. Applications will only be acceptable where they are compatible with established housing use.”

5.10 I note the objectors’ concerns regarding loss of privacy and noise however a scout hut is a facility commonly found in residential areas and I have no knowledge of significant disturbance or complaint arising from this type of use. It is clearly desirable for convenience and safety reasons for the scout hut to be located within the village and this is likely to require siting in the proximity of residential property. Accordingly, even if an alternative site was identified, any subsequent application would potentially receive similar objection.

5.11 In these particular circumstances it is relevant to note that the proposed site is actually some 17 metres from the objectors’ house. A 15 metre strip of heavily planted garden ground lies between the application site and the house and the property has a well established boundary to the proposed access track. On this basis I do not consider that the amenity of objector or indeed any neighbours will be adversely affected to a level that would justify refusal of this application.

5.12 In conclusion, the proposal provides a site, which in land use terms is acceptable for what is an important facility for this small rural community. The proposal does not give rise to any road safety or amenity concerns at this stage however further details will be required as part of any subsequent reserved matters or full planning application.

6 HUMAN RIGHTS IMPLICATIONS

6.1 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. Any actual or alleged infringement of neighbours’ rights to peaceful enjoyment of their property and/or interference with their privacy/home/family life arising from grant of this application is in accordance with the Council’s legal duties under the Planning Acts to determine planning applications such as the present one and the grant of planning permission is justified and necessary in the public interest on the basis that any such actual or alleged infringement is not significant or material as balanced against the applicant’s freedom to carry out reasonable development and/or activities over his property as supported by the Development Plan, and other material considerations which, as referred to in the report, are supportive of the proposed development. 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.

7 RECOMMENDATION

- 7.1 It is recommended that the application be approved subject to conditions.
1. That the approval of the details of the siting, size, height, design, drainage and external appearance of the building(s) and the means of access thereto, shall be obtained from the Planning Authority before development is commenced.
 2. That notwithstanding the submitted application shows foul drainage going to a septic tank, the foul drainage system shall be connected to the public sewer.
 3. That as part of the detailed plans, a plan be provided showing a comprehensive scheme of landscaping.

Reasons:

1. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.
2. In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.
3. In order to ensure that the landscaping proposals necessary to enhance the amenity of the proposal/development are satisfactory and acceptable to the Council.

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/AH/IAL
9 October 2001

Alex Anderson
Director of Planning and Transport