Abstract: This report deals with planning application No. 04/01344/FUL for the erection of a dwellinghouse for Mr. R. Sangster at a site at Ardoch of Gallery Farm, Logie Pert, Montrose. This application is recommended for approval.

1 INTRODUCTION

1.1 Full planning permission is sought for the erection of a dwellinghouse for Mr R. Sangster at a site at Ardoch of Gallery Farm.

1.2 The application site measures approximately 0.24 ha and is located to the west of the road through Logie-Pert to Craigo. The site is located between the former Logie-Pert Parish Church (now a dwellinghouse) and residential properties to the north. The former Logie-Pert Parish Church is a listed building, Category 'B'. The application site is a flat open field with a stone wall on the south boundary and post and wire fences to the north and east. There is an existing field access to the north of the site.

1.3 It is proposed to erect a single dwellinghouse and garage on this flat site. The house and garage are located in the north of the site as was conditioned, this is in order to avoid any adverse affect on the setting of the adjacent listed building, the house will face south with its ridge running east to west to be in accordance with other nearby dwellings. The materials proposed to be utilised are natural slates to the roof of the house and detached garage, the walls roughcast in a colour to the satisfaction of the Director of Planning and Transport. The plans have been amended to show the east elevation of the dwellinghouse in stone, and the design of the house and garage to be in accordance with Angus Council Guidance Note 5 - Housing in the Countryside.

1.4 The application has been advertised as a potential departure from the Development Plan.

2 RELEVANT PLANNING HISTORY

2.1 The Development Control Committee will recall that outline planning permission was granted for erection of a dwellinghouse on this site on 27 May 2004. Planning permission (ref: 04/00192/OUT) was granted subject to conditions for a single storey dwelling, which complied with Advice Note No. 5 Houses in the Open Countryside, and located in the northern half of the site, with no extensions or outbuildings being permitted in the southernmost half of the site.

3 APPLICANT’S CASE

3.1 No supporting information has been submitted by the applicant.
CONSULTATIONS

4.1 The Director of Roads has stated no objections to the proposal on the understanding that the required visibility for access to the site and off-street car parking can be provided.

4.2 SEPA has stated no objections to the proposal subject to all drainage from the site being to the satisfaction of this Council.

4.3 The Council's Archaeologist previously stated on consultation of the outline application 04/00192/OUT, that they would recommend that an appropriate condition be imposed to permit an archaeological evaluation of the site.

LETTERS OF REPRESENTATION

5.1 One letter of representation has been received and is attached to this report. The main issues raised relate to:

- That the orientation of the building would be more in keeping if running along the roadside.
- The style of window should more closely reflect those in surrounding properties.
- That the colour of the finished render of the property be to the satisfaction of the Director of Planning and Transport.
- That there is need for archaeological surveyance of the site as artefacts now on display in Montrose Museum have been found in an adjacent curtilage.

These matters will be addressed under 5. PLANNING CONSIDERATIONS.

PLANNING CONSIDERATIONS

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 required that determination of this application for planning permission is made in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 The Development Plan comprises the approved Dundee and Angus Structure Plan 2002 along with the adopted Angus Local Plan 2000. In addition, Advice Note 5 – Housing in the Countryside and Advice Note 14 – Single Plot Residential Development provide guidance on design and amenity.

6.3 The determining issues in this case are whether the proposal:

- complies with Development Plan policy;
- would adversely affect existing residential amenity.

6.4 The Finalised Angus Local Plan Review was approved by Council on 15 December 2004. The Finalised Angus Local Plan is not part of the legal Development Plan but given the stage which it has reached is a material consideration to be taken into account in the determination of this planning
application. In this report policies of the Finalised Local Plan Review have been referred to when the said policy is materially different to the Adopted Angus Local Plan to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.

6.5 Dundee and Angus Structure Plan 2002 Housing Policy 5: Countryside Housing is relevant to the consideration of this application. Housing Policy 5 states:-

6.6 "In the countryside, housing development will generally be directed to existing settlements, defined by development boundaries in Local Plans. Outwith development boundaries housing in the countryside will be supported where it involves:

- renovation of an existing house; or
- conversion of a non-residential building of traditional construction which cannot otherwise be used for a rural business.

A new-build house may be acceptable particularly where it is essential to meet the operational needs of agriculture/forestry or other rural business or where it would assist in maintaining population and services in Category 2 Rural Settlement Units. Proposals should have regard to the following:

- brownfield sites should be used in preference to greenfield land;
- the site must be accessible and capable of connection to infrastructure without adverse cumulative impact;
- the development must have regard to landscape capacity, the natural and built heritage and respect the location through sensitive design and use of materials.

Local Plans will define areas of countryside and provide detailed policy guidance on housing development in those areas."

6.7 This application is proposed within a Category 2 Rural Settlement Unit (RSU) as defined in the Angus Local Plan 2000, the proposal therefore complies with the broad principles of the Structure Plan policy. The Local Plan contains further guidance on the development of the site for housing. The site lies outwith the settlement boundary and therefore should be considered under the housing in the countryside policies as set out in the Angus Local Plan under Policy H8: Countryside Housing – Category 2 RSU.

6.8 Policy H8 : Countryside Housing of the Angus Local Plan states:– “In Category 2 RSUs there is a presumption in favour of individual new houses in the countryside where the proposals meet the appropriate Development Criteria detailed in Schedule 1.” The development site is self contained and will not set an undesirable precedent (Criterion 1). The plot measures 2362m² which is satisfactorily within the specified plot sizes permitted (Criterion 2). The development will fill in a gap site and will not contribute to ribbon development (Criterion 3). The proposed house will cover 7% of the plot, complying with Criterion 4 of Schedule 1, which specifies no greater than 25% coverage will be permitted.
6.9 The site is not in the vicinity of a settlement boundary and is therefore not affected by Criterion 5. Criteria 5, 6, 7, 8 & 9 do not apply to this particular proposal, Criterion 10 states that the “houses must respect the character and location of their rural setting through an appropriate scale and form of building design and use of materials. The design of the house and garage have been amended in order to comply with the guidance provided in Advice Note 5 Houses in the Open Countryside.

6.10 Drainage, access and landscaping arrangements appear to be achievable and can be conditioned to the satisfaction of the Director of Planning and Transport should the application be recommended for approval.

6.11 The matter of orientation of the property has been raised in a letter of representation from a neighbouring resident. This is a small village with almost a dozen properties in the immediate locality of this site, within this group of dwellings there is a broad mix of house types, and they are positioned either immediately adjacent to the road or set several metres back from it. There is no clear building line within the village settlement, however it was considered at outline stage that the appropriate location for a house on this site was in the northern half of the plot so as to retain as much open land between any building and the existing listed Bellcote House (formerly Logie Pert Parish Church) immediately to the south of the site. In addition, the bothy to the north of the site and Holywell House, together with Bellcote House, all sate gable end onto the main road through the town, these are the properties immediately neighbours the site and whilst a few other houses in the village run parallel with the road, in this instance the opposite was conditioned on the granting of outline consent. Therefore, the orientation of the proposed dwellinghouse with the ridgeline running west to east is in full compliance with Condition 21 of the outline consent for this site, Ref. 04/00192/OUT granted on 1 June 2004.

6.12 The detail in the proposed windows is also raised in the letter of representation, as it is felt by the objector that they “should more closely reflect those in the surrounding properties”. The surrounding properties which are outline in 5.9 above and include Bellcote House a Category 'B' Listed Building. The proposed windows are indicated in the submitted plans to be 2/2 paned wooden framed windows, whereas the neighbouring bothy and Holywell House both have 6/6 paned windows. The house will be set back from the road by some 17 metres which sets it apart from the listed building and the bothy, these being the nearest properties. There are no windows in the gable end of the dwelling which will face the main road and the village is not designated as a conservation area. On this basis I do not consider the proposed windows to be inappropriate nor detrimental to the surrounding area.

6.13 The colour of the finished render will be conditioned to be to the satisfaction of the Director of Planning and Transport should the application be approved. A condition relating to the Archaeological status of the site was applied on granting of outline consent, this condition will be repeated should consent be granted for full planning permission.

7 HUMAN RIGHTS IMPLICATIONS

7.1 The recommended conditions constitute a justified and proportionate 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 an the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

8 CONCLUSION

8.1 In summary, the proposal does not give rise to any significant issues in terms of the development plan and complies with Angus Council supplementary planning guidance on housing in the countryside as provided by Advice Note 5. There are no material considerations that would justify refusal of the application.

9 RECOMMENDATION

9.1 It is recommended that the application be approved with the planning conditions detailed below.

Conditions:

1. That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the planning authority.

3. That notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilage south of the dwellinghouse without the benefit of full planning permission.

4. That prior to the commencement of the development, details of the means of site enclosure proposed to be used, shall be submitted for the prior approval of the planning authority and be erected on or before completion of the development.

5. That the screen hedge indicated in the approved plans along the east boundary of the site be an indigenous species to the satisfaction of the Director of Planning & Transport.

6. That all planting indicated on the approved plans be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

7. That the external wall finishes be agreed in consultation with and be to the satisfaction of the Director of Planning & Transport prior to the commencement of work.

8. That before work is commenced a sample of the agreed wall finish be submitted for the prior approval of the Director of Planning & Transport.
9. That the developer shall afford access at all reasonable times to any archaeological organisation acceptable to the planning authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the planning authority should contact on site and the name of the archaeological organisation retained by the developer shall be given to the planning authority in writing not less than 14 days before development commences.

10. That the disposal of sewage effluent be in accordance with the standards required by the building control authority.

11. That the rainwater run-off from all surfaces be directed to a soakaway system to the satisfaction of the building control authority.

12. That visibility splays of 3 metres x 70 metres be provided in each direction at the junction of the proposed access or development road with the public road.

13. That no structure, wall, etc. or planting in excess of 1050 mm in height be introduced into the sight-line areas.

14. That the crossing(s) over the footpath and/or verge be constructed in accordance with the standards required by the Director of Roads to the satisfaction of the planning authority.

15. That the disposal of sewage effluent be in accordance with the standards required by the Scottish Environment Protection Agency to the satisfaction of the planning authority.

Reasons:

1. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.

2. For clarification purposes and for the avoidance of any possible misunderstanding.

3. In order that the visual amenity of the area shall not be adversely affected.

4. In order that the visual amenity of the area shall not be adversely affected.

5. In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.

6. In order to comply with the landscaping requirements of the local planning authority and ensure subsequent maintenance.

7. In order that the Council may verify the acceptability of the proposals on amenity grounds.

8. In order that the Council may verify the acceptability of the selected material(s).
9. In order that archaeological interests are safeguarded.

10. In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.

11. In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.

12. In the interests of road traffic and/or pedestrian safety.

13. In the interests of road traffic and/or pedestrian safety.

14. In the interests of road traffic and/or pedestrian safety.

15. In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.

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/IH/IAL
25 January 2005

Alex Anderson
Director of Planning and Transport
October 7, 2004

Dear Sir/Madam,

I am responding to the NOTICE FOR SERVING ON NEIGHBOURS at the proposed development site at Logie Pert, by Montrose, submitted on behalf of Mr R Sangster.

1. We adhere to our opinion, expressed at the time of the outline planning stage, that orientation of the building along the roadside would be more in accordance with the style of the village.

2. We like the overall plan for the building, but would suggest that there should be a substitution of the style of window in the adjacent buildings (Roadman’s Cottage, referred to in the plan as the Boddy, Holywell House, Belcote House and Londin Cottage just NW of the site) These are mostly 12 pane windows, although 6 panes would be OK for very small windows. The present plan only provides for 4 pane windows.

3. At the time of completion of Holywell House, the Planning Officer ordered 4 test panels of rendering colour to enable him to choose one in consultation with the architect and owner. Is the same procedure contemplated for this new building? We suggest that this was a helpful procedure. At the moment we are not able to imagine the colour and whether it would blend in with the adjacent buildings

4. The recent finding of iron age ornaments in the adjoining plot of Holywell House (now lodged at Montrose Museum) reinforces the requirement, expressed in the outline planning approval, for archeological suveyance of the site excavations.

Yours sincerely,

Mark IM Noble
Angela J Noble

cc JW Scuttar