

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 13 AUGUST 2024**

**PLANNING APPLICATION: PLOT, GLENSKINNO, MONTROSE**

**GRID REF: 368094: 760870**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**1. ABSTRACT**

- 1.1 This report deals with planning application [24/00104/FULL](#) by Mr. Ian Gall for two extensions on an existing house at Plot, Glenskinno, Montrose. The application is recommended for approval subject to condition.

**2. RECOMMENDATION**

- 2.1 It is recommended that the application be approved for the reason and subject to the condition given in Section 10 of this report.

**3. INTRODUCTION**

- 3.1 The applicant seeks full planning permission for two single storey extensions to the front and rear elevations of the hipped roof single storey house that is a previously converted steading building. A plan showing the location of the application site is provided at Appendix 1.
- 3.2 The proposal involves the provision of two extensions on the existing dwelling which has been formed through the conversion of a redundant farm building. The extensions measure approximately 30sqm and 22sqm respectively with the overall curtilage of the property measuring over 750sqm.
- 3.3 The application has not been subject of variation.
- 3.4 The application has been subject of statutory neighbour notification.
- 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**

- 4.1 Planning permission was granted by this committee in November 2022 for the part conversion of vacant steading building to a one bedroom dwelling at this site under reference [20/00633/FULL](#) (report 377/22 refers). That permission has been implemented, the dwelling has been formed, and this application relates to extension of that property.

**5. APPLICANT'S CASE**

- 5.1 The applicant has provided a bat survey report in support of the application. It provides an update on a survey undertaken in relation to development in an

adjoining part of the same building. The report identifies the presence of bats in an adjacent section of building and recommends mitigation measures which include restriction on external lighting and security mesh fencing. However, it concludes that no signs of use by bats was observed in the part of the steading for which planning permission is sought and works to this section of building do not require a license.

5.2 The supporting information is available to view on the council's [Public Access](#) system.

## **6. CONSULTATIONS**

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

6.2 **Angus Council – Environmental Health** – no objection.

6.3 **Scottish Water** – no objection.

6.4 **Archaeology** - no objection.

6.5 **Community Council** – no comment received.

## **7. REPRESENTATIONS**

7.1 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: -

- [National Planning Framework 4](#) (NPF4) (2023)
- [Angus Local Development Plan](#) (ALDP) (2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 2 and have been taken into account in preparing this report.

8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

8.5 Policy TC4 of the ALDP relates to proposals for house and flat alterations/extensions and development within the curtilage of houses and flats. It indicates that development will be supported where the siting, design, scale or massing of the proposal does not:

1. adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
2. detrimentally affect the character and/or appearance of the building, site or surrounding area; and

3. result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.
- 8.6 Policy 16 criterion (g) of the NPF4 deals with householder development and identifies similar considerations regarding design and amenity impact.
  - 8.7 In addition, development plan policy seeks to safeguard amenity and requires all proposed development to have regard to opportunities for maintaining and improving environmental quality. It indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. The policy identifies matters that will be taken into account and recognises that in some circumstances it will be appropriate to approve proposals that give rise to amenity impacts where they can be mitigated.
  - 8.8 In this case the proposal is broadly compatible with relevant council guidance as set out in the householder development planning advice note and in the design quality and placemaking supplementary guidance. The relationship of the proposal with surrounding property does not give rise to any significant amenity impacts having regard to the published guidance (including BRE guidance on site layout planning for daylight and sunlight), and to the nature of impacts that are typically found in the area. Consultation bodies have offered no objection. The proposal does not have a significant adverse impact on the character and appearance of the dwelling or wider area. It does not result in overdevelopment of the plot or unacceptable loss of the garden ground areas, parking or storage. The roads service has reviewed the proposal and offered no objection in terms of road safety.
  - 8.9 The nature and scale of the proposal is such that it does not give rise to unacceptable impacts in terms of other identified policy considerations having regard to available evidence and consultation responses. This conclusion does not absolve the applicant/developer from complying with other statutory and regulatory regimes. In circumstances where the proposal relates to adaptation of an existing domestic property in a manner that complies with relevant policies, it does not conflict with the overall objectives of the development plan. The identified condition/s are compatible with relevant policy tests.
  - 8.10 A bat survey report has been submitted which advises that previous surveys were carried out for an application in the former steading building which also covered this property. It indicates that a daylight and an emergence survey were carried out in June 2024 as an update. The updated surveys provide similar results to the previous survey. There is evidence of bats in the wider building, but no signs of bats were found at this house and any disturbance caused by works is likely to be negligible. It suggests that no license is required. It identifies mitigation measures and those are addressed in conditions and in an informative that would be attached to the decision notice.
  - 8.11 In conclusion, the proposed development would not give rise to unacceptable impacts on the amenity of occupants of neighbouring property and it would not adversely affect the character and appearance of the application property or the wider area. The proposal is acceptable in the context of the relevant policies of the development plan and associated guidance. The proposal does not result in any significant adverse impact on protected species. This proposal is compatible with development plan policy and there are no material planning considerations that justify refusal of planning permission.

## **9. HUMAN RIGHTS IMPLICATIONS**

- 9.1 The recommendation in this report for grant of permission/consent, 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**

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following condition:

### **Reason for Approval:**

The proposal is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety, or infrastructure, subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

*Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.*

2. The development shall be undertaken in accordance with the recommendations and conclusions provided in the updated bat survey report by Black Hill Ecology Ltd submitted in support of this application. Specifically, and notwithstanding the provisions of any development order, 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 any material extent in preparing the above Report.

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**DATE: 31 JULY 2024**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICY