

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 7 JUNE 2024

LAND NORTH EAST OF DUNTRUNE HOUSE, DUNTRUNE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

- 1.1 The Committee is asked to consider afresh the application for review in respect of the refusal of planning permission for erection of a crematorium and associated structures, planning application No. 20/00830/FULL, at Land North-East of Duntrune House, Duntrune.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

This Report contributes to the following local outcomes contained within the Angus Council Plan 2023-2028:

- Caring for our people
- Caring for our place

3. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) consider if further procedure is required as detailed at Section 5, and;
- (ii) if further procedure is required, determine the manner in which the review is to be conducted;
- (iii) if no further procedure is required:
 - (a) review the case submitted by the Planning Authority (**Appendix 1**);
 - (b) review the case submitted by the Applicant (**Appendix 2**);
 - (c) consider the further lodged representations (**Appendix 3**);
 - (d) consider the applicant's response to the further representations (**Appendix 4**); and
 - (e) consider the planning authority and applicant's responses to the Written Procedure Notice (**Appendix 5**).

4. BACKGROUND

- 4.1 The DMRC, at its meeting on 14 March 2023, agreed to uphold an appeal and grant planning permission for erection of a crematorium and associated structures, planning application No. 20/00830/FULL, at Land North-East of Duntrune House, Duntrune, subject to conditions. Those conditions were agreed at a meeting of the DMRC on 13 June 2023.
- 4.2 The decision of the DMRC was subsequently appealed to the Court of Session. On 12 March 2024, the Court of Session granted a Consent Order agreed by the parties which allowed the appeal in part and determined that the application for review by Duntrune Ltd against refusal of planning permission in respect of erection of a crematorium and associated structures at Land North East of Duntrune House, Duntrune be considered afresh by a differently constituted DMRC.

- 4.3 With reference to Article 6 of the minute of meeting of the Development Standards Committee of 16 April 2024, the Committee agreed to appoint Councillors Cheape, Clark, Gall, Durno and Stewart to the differently constituted DMRC to consider the application for review in respect of Land North East of Duntrune House, Duntrune only; and to appoint Councillor Cheape as Convener of this differently constituted DMRC until such times as the application for review had been concluded.

5. CURRENT POSITION

The Development Management Review Committee is required to consider if it has sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are:

- a) written submissions,
- b) hearing sessions or
- c) inspection of the land to which the review relates.

6. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this Report.

7. RISK MANAGEMENT

There are no direct risks arising from the recommendations of this Report.

8. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this Report.

9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

An equality impact assessment is not required.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

Appendix 1 - Submission by Planning Authority

Appendix 2 - Submission by Applicant

Appendix 3 - Further lodged Representations

Appendix 4 - Applicant's response to Further Representations

Appendix 5 - Written Procedure Notice; Planning Authority and Applicants Responses to the Written Procedure Notice

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