

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Thursday 1 August 2024 at 10.00am

Present: Councillors BILL DUFF, HEATHER DORAN, BRENDA DURNO, IAN MCLAREN and GAVIN NICOL.

Councillor DUFF Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

An apology for absence was intimated on behalf of Councillor Kenny Braes.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

Councillors McLaren and Nicol made statements of transparency in relation to item 4 as they had not taken part in the site visit and indicated that they would therefore not take part in any discussion or voting in relation to the item.

Councillors Doran and Nicol made statements of transparency in relation to item 5 as they had not taken part in the site visit and indicated that they would therefore not take part in any discussion or voting in relation to the item.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 21 May and 19 June 2024 were approved as correct records and signed by the Convener.

4. 1 BROCHIE COTTAGES, MONIKIE

With reference to Article 3 of the minute of meeting of this Committee of 10 May 2024, there was submitted Report No 196/24 by the Director of Legal, Governance & Change presenting the responses by the planning authority and the applicant in respect of a Written Procedure Notice issued following the Committee's consideration of the Notice of Review in respect of the non-determination of planning application No. 23/00400/PPP for the erection of a dwellinghouse at 1 Brochie Cottages, Monikie.

The Planning Adviser provided an overview of the application following which the Committee gave consideration to the contents of the Report and noted the Written Procedure Notice Responses. The Committee further considered the papers submitted by the appointed person and by the applicant (Report No 23/24) and confirmed that they had sufficient information to determine the appeal and that no further procedure was required.

Having heard from all members, the Committee indicated that they were minded to grant planning permission subject to conditions as it was their view that the existing development boundary surrounding Craigton of Monikie, detailed within the Angus Local Development Plan 2016, was illogical and should have been drawn up to the Reservoir Boundary and around the properties on that side of the road (including 1 Brochie Cottages). It was therefore considered that this was a material consideration in the determination of the case which would allow a departure from NPF4, Policy 17 and the Angus Local Development Plan 2016, Policies DS1 and TC2.

At this stage in the meeting (10.40am), the Committee adjourned for 5 minutes to allow members to consider suggested conditions circulated by the Clerk. The meeting resumed at 10.45am.

The Committee considered the following suggested conditions by the Service Leader – Planning & Sustainable Growth which would be attached to the grant of planning permission for application No 23/00400/PPPL:-

Conditions:-

1. The development hereby approved must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted.

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. That application for approval of matters specified in condition must be made before –
 - a. the expiration of three years from the date of grant of planning permission in principle;
 - b. the expiration of six months from the date on which an earlier application for such approval was refused, or

the expiration of six months from the date on which an appeal against such refusal was dismissed, whichever is the latest. Only one application for approval under (ii) or (iii) may be made after the expiration of the three year period mentioned in (i).

Reason: In order to clarify the time period within which an application or applications for approval of the matters specified in condition must be made.

3. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No works other than investigative, demolition or site clearance works shall begin until the written approval of the authority has been given and the development shall be carried out in accordance with that approval. The matters are: -

- a. The siting of the building(s). For the avoidance of doubt the indicative layout shown on drawing site plan drawing submitted 11 July 2023 is not approved;
- b. The design and external appearance of the building(s);
- c. The layout of the site including access, car parking and turning space. The car parking within the plot curtilage shall be in accordance with the National Roads Development Guide (SCOTS). For the avoidance of doubt the indicative layout shown on drawing site plan drawing submitted 11 July 2023 is not approved;
- d. A scheme of hard and soft landscaping including the means of site enclosure. For the avoidance of doubt the submitted scheme shall include details of protection measures for existing trees within and adjacent to the site, during construction works and shall include the number and density of new planting as well as the type and height of boundary treatments. The scheme shall also include measures employed in the design of the development to ensure an enhancement to biodiversity in accordance with the NatureScot Developing with Nature Guidance. Thereafter, the landscaping and boundary treatments shall be implemented in accordance with the approved scheme and all planting shall be completed in the first planting season immediately following the commencement of development or such other date as may be agreed in writing with the Planning Authority (but shall be no later than within 12 months of the occupation of the dwelling hereby approved). Any plants or trees which within a period of five years from the completion of development 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 to those originally approved. Any boundary treatments shall also be erected prior to the occupation of the development hereby approved;
- e. Precise details of the means of drainage for the development. For the avoidance of doubt surface water shall be directed to a sustainable drainage system;
- f. The existing and proposed ground levels and finished floor levels relative to a fixed ordnance datum and ground and floor levels of neighbouring properties.

Reason:

To ensure that the matters referred to are given detailed consideration.

Having considered the conditions, the Committee agreed that the application for review be upheld and planning permission granted for the reasons and subject to the conditions as detailed above.

5. TEACH FEIRME, HILLHOUSES, STRATHMARTINE

With reference to Article 4 of the minute of this Committee of 21 May 2024, there was re-submitted Report No. 142/24 by the Director of Legal Governance & Change detailing an application for a review in relation to the refusal of planning permission in principle of application No. 23/00506/PPPL for the erection of a single house at Teach Feirme, Hillhouses, Strathmartine.

The Committee noted that an unaccompanied site visit had taken place on Monday 17 June 2024.

The Planning Adviser provided an overview of the application for review and the Roads Advisor answered members' questions regarding the unadopted farm track which provided access to the site and the right of way.

Having heard from all members, the Committee confirmed that they had sufficient information to consider the review at this meeting and that no further procedure was required.

Thereafter, the Committee agreed that the decision to refuse the application was in accordance with National Planning Framework 4 and the Council's Local Development Plan. The Service Leader's (Planning and Sustainable Growth) decision, and reasons for refusal as detailed in the Report of Handling, were endorsed and accordingly the review dismissed.

6. MUIRDRUM VILLAGE BOUNDARY, MUIRDRUM, CARNOUSTIE

There was submitted Report No 197/24 by the Director of Legal, Governance & Change detailing an application for a review of the decision taken by the planning authority in relation to the refusal of planning permission, application No. 22/00346/FULL, in respect of the erection of fence and gates and siting of storage containers at sites at Muirdrum Village Boundary, Carnoustie.

The Planning Adviser provided an overview of the application for review following which the Committee confirmed that they had sufficient information to consider the review at this meeting and that no further procedure was required.

COUNCILLOR DUFF, SECONDED BY COUNCILLOR MCLAREN, MOVED THAT THE DECISION TO REFUSE THE APPLICATION WAS IN ACCORDANCE WITH NATIONAL PLANNING FRAMEWORK 4 AND THE COUNCIL'S LOCAL DEVELOPMENT PLAN AND THAT THE SERVICE LEADER'S (PLANNING AND SUSTAINABLE GROWTH) DECISION, AND REASONS FOR REFUSAL AS DETAILED IN THE REPORT OF HANDLING, BE ENDORSED AND ACCORDINGLY THE REVIEW DISMISSED.

Councillor Nicol, seconded by Councillor Durno, moved as an amendment, that the Committee uphold the appeal and grant planning permission as the site was an agricultural holding, with the materials held on site being of an agricultural nature, and the erection of the fencing and gates was an essential part of the development.

On a vote being taken, the members voted:-

For the motion:-

Councillors Duff, Doran and McLaren (3).

For the amendment:-

Councillors Durno and Nicol (2).

The Notice of Review was therefore dismissed for the reasons as detailed above.

7. FALLADY COTTAGE, FORFAR

There was submitted Report No 198/24 by the Director of Legal, Governance & Change detailing an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission, application No 23/00763/FULL, for the erection of two dwellinghouses within the existing garden grounds at Fallady Cottage, Forfar.

The Planning Adviser provided an overview of the application for review following which the Committee agreed that an unaccompanied site visit be held in due course and that the Committee reconvene following the site visit to discuss the application further.