

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 29 MARCH 2016

LAND TO REAR OF 20-25 ALEXANDER GORDON DRIVE, MONIFIETH - CONDITIONS

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 15/00337/FULL following on from the decision of the Development Management Review Committee at its meeting on 8 March 2016 to grant planning permission in respect of change of use from open space to private garden ground at Land to Rear of 20-25 Alexander Gordon Drive, Monifieth.

1. RECOMMENDATIONS

It is recommended that the Committee approves the proposed conditions, as set out in the Appendix to this Report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This Report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. CURRENT POSITION

At its meeting of 8 March 2016, the Development Management Review Committee considered an application for Review of decision taken by the Planning Authority in respect of the refusal of planning permission for change of use from open space to private garden ground, application No 15/00337/FULL, at Land to Rear of 20-25 Alexander Gordon Drive, Monifieth (Report 100/16 to the Development Management Review Committee refers).

Following consideration of the case, the decision of the Review Committee was to uphold the Review subject to conditions. Having consulted with the Service Manager – Planning, it is recommended that the Committee approve the conditions as detailed in the Appendix to this Report.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. HUMAN RIGHTS IMPLICATIONS

The grant of planning permission, subject to conditions, has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). It is considered that any actual or apprehended infringement of such Convention Rights is justified. The conditions constitute a justified and proportionate control of the use of property in accordance with the general interest and were necessary in the public interest with reference to the Development Plan and other material planning considerations which had been referred to in Report 100/15.

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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List of Appendices:

Appendix – Proposed Conditions in respect of planning application No. 15/00337/FULL

LAND TO REAR OF 20-25 ALEXANDER GORDON DRIVE, MONIFIETH - CONDITIONS

PLANNING APPLICATION NO 15/00337/FULL

Conditions:

1. That prior to the change of use occurring, full details of the means of site enclosure proposed to be used at each of the plot boundaries, shall be submitted for the written approval of the Planning Authority. For the avoidance of doubt the submitted information shall detail the exact location and route of the enclosures to be erected relative to the existing trees within the application site. Thereafter the approved boundary treatments shall be erected prior to the use hereby approved commencing.

Reason: In order to prevent unnecessary loss of trees on site and in order that the visual amenity of the area shall not be adversely affected.

2. That from the date of this planning permission notwithstanding the provisions of any Development Order no building, structure or hardstanding shall be formed within the red line application site as identified on the approved Location Plan: 000113345, Scale 1:1250 dated 26 March 2015 unless otherwise first approved through the grant of planning permission on application to the Planning Authority.

Reason: In order that the planning authority may consider any subsequent proposals in order to prevent unnecessary damage to trees on site.

3. That from the date of this planning permission none of the existing trees within the red line application site as identified on the approved Location Plan: 000113345, Scale 1:1250 dated 26 March 2015 shall be felled, topped, lopped or otherwise interfered with without advance discussion with and without the prior written consent of the Planning Authority.

Reason: In order to prevent unnecessary loss of trees on site and in order that the visual amenity of the area shall not be adversely affected.