

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 29 MARCH 2016

CHURCH HALL, 41-43 HIGH STREET, MONIFIETH - CONDITIONS

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 15/00498/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 demolition of existing Church Halls and erection of new Church at Church Hall, 41-43 High Street, 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 demolition of existing Church Halls and erection of new Church, application No 15/00498/FULL, at Church Hall, 41-43 High Street, Monifieth (Report 101/16 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 101/15.

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. 15/00498/FULL

CHURCH HALL, 41-43 HIGH STREET, MONIFIETH - CONDITIONS

PLANNING APPLICATION NO 15/00498/FULL

Conditions:

1. That all mechanical and electrical plant to be installed within the development shall be such as to be in accordance with the conclusions at paragraph 2.04 of the Noise Impact Assessment: Proposed Monifieth Parish Church, 41 – 43 High Street, Monifieth dated 16 July 2015 by CSP Acoustics LLP.

Reason: In order to ensure that noise from the building hereby approved does not adversely affect the amenity of any nearby sensitive receptor in the interests of the amenity of the area in accordance with policies S6 and ER11 in the Angus Local Plan Review.

2. That the materials to be used in the construction of the building (walls, roofs and glazing) hereby approved shall be such as to be in accordance with the conclusions of Table 1: Minimum Rw performance of building elements at paragraph 2.05 of the Noise Impact Assessment: Proposed Monifieth Parish Church, 41 – 43 High Street, Monifieth dated 16 July 2015 by CSP Acoustics LLP.

Reason: In order to ensure that noise from the building hereby approved does not adversely affect the amenity of any nearby sensitive receptor in the interests of the amenity of the area in accordance with policies S6 and ER11 in the Angus Local Plan Review.

3. That no development in connection with the planning permission hereby approved shall take place unless the following details have been submitted to and approved in writing by the Planning Authority:
 - (a) Precise details of existing and proposed ground levels and floor levels across the entire site. For the avoidance of doubt the submitted information shall include contour plans and cross section drawings, relative to a fixed ordnance datum and neighbouring residential properties. Thereafter the development shall be carried out in accordance with the approved details.
 - (b) Full details of the proposed means of surface water disposal from the development. Unless otherwise approved in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be occupied until the approved drainage scheme has been provided in its entirety.
 - (c) A scheme for the extraction of steam and abatement of cooking odours from the kitchen within the building. The approved scheme shall be installed and operational before the use of the kitchen is commenced and shall be maintained in operational condition thereafter.

Reason: In order that the planning authority may verify the acceptability of the finished ground and floor levels in the interests of the visual amenities of the area; to ensure the provision of an acceptable drainage system and in the interests of the residential amenities of the occupiers of nearby domestic properties.

4. Prior to any works commencing, the developer shall secure the implementation of a Level 1 archaeological standing building survey of the extant structures, to be carried out by an **archaeological organisation** acceptable to the planning authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the planning authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.

Reason: To record features of the historic environment of the structure. Please note an archaeological organisation is required to undertake this work.

Informative – Level 1 - a full photographic survey of the interior and exterior of the building, including all exterior elevations and the buildings setting, with the addition of measured floor plans and elevations and a written account of the building's plan, form, function, age and development sequence. Surveys should be submitted in a digital format (pdf, jpeg, tiff files) by email, on CD or via online file sharing services.