

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 4 APRIL 2017**

**4A VICTORIA STREET, MONIFIETH - CONDITIONS**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

This Report sets out proposed conditions for planning application No 16/00553/PPPL following on from the decision of the Development Management Review Committee at its meeting on 7 March 2017 to grant planning permission in principle for erection of a dwellinghouse at 4A Victoria 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 7 March 2017, the Development Management Review Committee considered an application for Review of the decision taken by the Planning Authority in respect of the refusal of planning permission in principle for erection of a dwellinghouse (re-application), application No 16/00553/PPPL, at 4A Victoria Street, Monifieth (Report No 64/17 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 directly from the recommendations in the Report.

**5. HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, 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.

## **6. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**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. 16/00553/PPPL

## 4A VICTORIA STREET, MONIFIETH – CONDITIONS

## PLANNING APPLICATION NO 16/00553/PPPL

**Conditions:**

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work 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 site layout indicated on Drawing No. D025\_06: Proposed Site Plan by Arthur Stone Planning & Architectural Design dated April 2016 is not approved;
  - (b) The design and external appearance of the building(s);
  - (c) Precise details of the means of drainage for the development. For the avoidance of doubt the foul drainage from the house will be directed to the public sewage system and surface water will be directed to a sustainable urban drainage system;
  - (d) A scheme of hard and soft landscaping of the site. The submitted scheme shall include an indication of all existing trees and hedgerows on the land and details of those to be retained and cleared, together with the measures for their protection in the course of development;
  - (e) The existing and proposed ground levels and floor levels relative to a fixed ordnance datum and relative to ground and floor levels of neighbouring properties;
  - (f) The layout of the site, including access, car parking, turning space, surface water drainage and the means of site enclosure.

*Reason: To ensure that the matters referred to are given full consideration.*

2. That no works in connection with the planning permission hereby approved shall take place unless a tree management scheme has been submitted for the further written approval of the planning authority. The scheme shall provide details of appropriate management provisions for the care and maintenance of all protected trees on/ adjacent to the site. The management scheme; which shall conform to BS5837 2005 (Trees in relation to Construction) shall make provision for the protection of trees during construction works. All protected trees shall be suitably fenced during construction and no materials, supplies, plant, machinery, soil heaps, changes in ground level or construction activities shall take place in protected areas. No fires shall be lit in a position where the flames can extend to within 5 metres of foliage, branches or trunks. Once the tree management scheme has been approved in writing by the planning authority, tree management within the site in relation to this planning permission shall be carried out in complete accordance with the approved scheme for the duration of construction activities.

*Reason: In order to ensure adequate protection for the trees on and around the site during the undertaking of development in the interests of preserving the character and visual amenities of the area.*

