

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 15 SEPTEMBER 2015**

**2 WESTCROFT COTTAGES, CARMYLLIE, ARBROATH - CONDITIONS**

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

**ABSTRACT:**

This Report sets out proposed conditions for planning application No 15/00213/FULL following on from the decision of the Development Management Review Committee at its meeting on 18 August 2015 to uphold the Review and grant planning permission in respect of the Change of Use from Garden Area to Car Sales Display Area (Retrospective) at 2 Westcroft Cottages, Carmyllie, Arbroath.

**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 18 August 2015, the Development Management Review Committee considered an application for Review of the decision taken by the Appointed Officer in respect of a planning application (15/00213/FULL refers) for Change of Use from Garden Area to Car Sales Display Area at 2 Westcroft Cottages, Carmyllie, Arbroath (Report 313/15 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 Appendix 1 to the 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 313/15.

**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.

**Report Author: Sarah Forsyth**  
**E-Mail: LEGDEM@angus.gov.uk**

List of Appendices:

Appendix 1 – Proposed Conditions in respect of planning application No. 15/00213/FULL

**2 WESTCROFT COTTAGES, CARMYLLIE, ARBROATH – PROPOSED CONDITIONS**

**PLANNING APPLICATION NO 15/00213/FULL**

**Proposed Conditions:**

1. That the use hereby approved shall be operated only by the occupants of 2 Westcroft Cottages Carmyllie and by no other person.

Reason: In the interests of residential amenity as the business is located within the curtilage of that property.

2. That a maximum of eight cars shall be displayed for sale at any one time within the application site.

Reason: In the interests of residential amenity.

3. That the hours of operation of the car sales business are restricted to between 10am and 5pm.

Reason: In the interests of residential amenity.

4. That within 1-month of the date of this permission a plan that identifies three customer parking spaces within the application site shall be submitted for the approval of the Planning Authority. Thereafter, the three customer parking spaces shall be made available and shall be retained for that purpose for the duration of the use.

Reason: To ensure that suitable parking arrangements are provided.

5. That no vehicle repairs, maintenance or valeting shall be undertaken on the premises.

Reason: In the interests of residential amenity.