

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 29 SEPTEMBER 2015

DOWER HOUSE, 8 CHURCH ROAD, LIFF - CONDITIONS

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 15/00116/FULL following on from the decision of the Development Management Review Committee at its meeting on 18 August 2015 to grant planning permission in respect of Section 42 Application to Vary Condition 10 to Extend Planning Permission 07/008/12/FULL for a Further Three Years at Dower House, 8 Church Road, Liff.

1. RECOMMENDATIONS

It is recommended that the Committee approves the proposed conditions, which include the need to register a new Section 75 Planning Obligation, 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 non-determination of application No 15/00116/FULL, Section 42 Application to Vary Condition 10 to Extend Planning Permission 07/008/12/FULL for a Further Three Years at Dower House, 8 Church Road, Liff (Report 314/15 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 314/15.

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. 15/00116/FULL

DOWER HOUSE, 8 CHURCH ROAD, LIFF – CONDITIONS – PROPOSED CONDITIONS

PLANNING APPLICATION NO 15/00116/FULL

Reason(s) for Approval:

1. That the proposed development new house within a development boundary in a manner that complies with relevant policies of the development plan subject to conditions as specified in the decision notice and will not have an adverse impact on the special interest or setting of listed buildings. The Development Standards Committee has previously determined that a scheme of this nature is acceptable and there are no material considerations that justify refusal of planning permission.

Conditions:

1. That no development in connection with the planning permission hereby approved shall take place unless:
 - Full details of the proposed means of surface water disposal from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed 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 unless the agreed drainage scheme has been provided in its entirety.
 - A detailed levels survey of the site has been submitted to and approved in writing by the Planning Authority. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels and a fixed ordinance datum point. Thereafter the development shall be carried out in accordance with the approved details.
 - Full details of all external material finishes shall be submitted to and approved in writing by Planning Authority. Thereafter the development shall be finished with the materials as approved by the Planning Authority.
 - A scheme of hard and soft landscaping, has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the submitted scheme shall include means of site enclosure; car parking layouts; other vehicle and pedestrian access, hard surfacing materials; structures (e.g. refuse or other storage units, signs, lighting etc.); Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. Unless otherwise approved in writing by the Planning Authority the development shall not be occupied unless the approved hard land landscaping scheme has been provided in its entirety. That all planting indicated on the soft landscaping scheme shall be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use 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.

Reason: In order to ensure the provision of an acceptable drainage system; in order that the planning authority may verify the acceptability of the finished ground and floor levels in the interests of the residential amenities of the occupiers of adjacent dwellings and to preserve and enhance nature conservation interests; in order that the visual amenity of the area shall not be adversely affected and ; in order to ensure that the landscaping proposals necessary to enhance the amenity of the proposal/development are satisfactory and acceptable to the Council and in order that the visual amenity of the area shall not be adversely affected.

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that the sum of £16,200 will be paid to the local planning authority for the purpose of the provision of primary and secondary school educational facilities.

Reason: to ensure that the proposed development does not put undue pressure on the existing education facilities.