

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 12 SEPTEMBER 2017**

**LAND WEST OF BELLA COTTAGE, LOGIE, PERT, MONTROSE - CONDITIONS**

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

**ABSTRACT:**

This Report sets out proposed conditions for planning application No 17/00215/PPPL following on from the decision of the Development Management Review Committee, at its meeting on 29 August 2017, to grant planning permission in principle for erection of dwellinghouse at Land West of Bella Cottage, Logie, Pert, Montrose.

**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 on 29 August 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 dwellinghouse, application No 17/00215/PPPL, at Land West of Bella Cottage, Logie, Pert, Montrose (Report 271/17 to the Development Management Review Committee refers).

Following consideration of the case, the decision of the Review Committee was to uphold the appeal and grant planning permission in principle 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. 17/00215/PPPL

LAND WEST OF BELLA COTTAGE, LOGIE, PERT, MONTROSE – CONDITIONS

PLANNING APPLICATION NO: 17/00215/PPPL

**Conditions:**

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the dwellinghouse(s).
  - The siting, design and external appearance of the building(s);
  - The layout of the site including access, car parking and turning space;
  - The means of site enclosure;
  - The existing and proposed ground levels and finished floor levels relative to a fixed ordnance datum and ground and floor levels of neighbouring properties;
  - Precise details of the means of drainage for the development. For the avoidance of doubt the surface water will be directed to a sustainable urban drainage system;
  - A scheme detailing the landscaping of the site. The submitted scheme shall include details of new tree/hedge planting and a full tree survey (including all existing trees on/adjacent to the site together with measures for their protection in the course of development);
  - A Flood Risk Assessment. The assessment shall be comprehensive and include an assessment of the risks of flooding both within and out-with the site as a result of its development.

*Reason:* To ensure that the matters referred to are given detailed consideration in the interests of providing a satisfactory residential environment as required by development plan policy.