

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 6 MARCH 2018

ST MARGARET’S CHURCH, FORFAR - CONDITIONS

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 17/00442/FULL following on from the decision of the Development Management Review Committee, at its meeting on 13 February 2018, to grant planning permission for the demolition of existing church and erection of proposed new build community church facility at St Margaret’s Church, 62 West High Street, Forfar.

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 LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

At its meeting on 13 February 2018, the Development Management Review Committee considered an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for the demolition of existing church and erection of proposed new build community church facility, application No 17/00442/FULL, at St Margaret’s Church, 62 West High Street, Forfar (Report 48/18 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 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. 17/00442/FULL

PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING CHURCH AND ERECTION OF PROPOSED NEW BUILD COMMUNITY CHURCH FACILITY AT ST MARGARET'S CHURCH, 62 WEST HIGH STREET, FORFAR - CONDITIONS

PLANNING APPLICATION NO: 17/00442/FULL

Conditions:

1. No demolition or dewatering shall take place until evidence of contracts for the redevelopment of the site immediately following demolition in accordance with a valid planning permission has been submitted to and approved in writing by the planning authority.

Reason: To ensure that the site is redeveloped immediately following demolition of the buildings in the interests of the visual amenity of the area and the setting of the conservation area.

2. Prior to the commencement of development the following shall be submitted to and approved in writing by the Planning Authority:
 - i. A scheme for the extraction of cooking odours which shall be in accordance with a methodology which is agreed in writing by the planning authority. Thereafter the scheme shall be installed in accordance with the approved details prior to the use of the kitchen.
 - ii. An odour impact assessment which shall be in accordance with a methodology which is agreed in writing by the planning authority. Thereafter the development shall be carried out prior to the occupation of the building and operated in accordance with the approved scheme.
 - iii. A noise impact assessment which shall be in accordance with a methodology which is agreed in writing by the planning authority. Thereafter the development shall be carried out prior to the occupation of the building and operated in accordance with the approved scheme.
 - iv. Details of external finishes on the new building. For the avoidance of doubt the finish materials shall include the reuse of stone from the demolition of the existing building. Thereafter the replacement building shall be finished in accordance with the approved details prior to the occupation of the building.
 - v. Details of the surface water drainage arrangements for the approved development. For the avoidance of doubt SUDS provision shall be made. Thereafter the surface water drainage arrangements shall be completed in accordance with the approved details prior to the occupation of the building.
 - vi. A scheme for the relocation of mural plaques currently located within the church. Thereafter the mural plaques shall be relocated in accordance with the approved scheme prior to the new building being brought into use.

Reason: To assess and regulate potential noise and odour impacts upon amenity; to limit waste from demolition of the existing building and to ensure the finish materials of the replacement building are acceptable; to ensure surface water drainage arrangements make SUDS provision and are acceptable; and to ensure appropriate removal and storage methods are carried out for the mural plaques within the existing building.

3. Prior to any works commencing, the developer shall secure the implementation of a Level 2 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 Record of the Historic Environment and in the local Sites and Monuments Record upon completion.

Reason: To record features of the historic environment of the structure.

4. The proposed development shall be undertaken in accordance with Section 5 of the 'Bat Survey Report' compiled by Jenny Wallace Ecology in May 2017 and submitted in support of this application.

Reason: To ensure that protected species are safeguarded during the carrying out of the approved development.

5. The footway crossing at the proposed access shall be widened in accordance with the National Roads Development Guide (SCOTS) prior to the new building being brought into use.

Reason: To provide a safe and satisfactory access in a timely manner.

Informative:

1. Standing Building Survey Level Defined - Level 2 - a fully analytical record, which will include detailed photographs of decorative and structural elements, a detailed written description and account of the building's origins, development, use and the evidence on which this has been based. Readily available historic documentation will be examined and measured drawings will be made of relevant sections, all elevations, plans and key architectural features. Surveys should be submitted in a digital format (pdf, jpeg, tiff files) by email, on CD or via online file sharing services.