

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 16 DECEMBER 2020

**FIELD ADJACENT TO THE LODGE, COLLISTON CASTLE, COLLISTON,
ARBROATH - CONDITIONS**

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 19/00909/FULL following on from the decision of the Development Management Review Committee, at its meeting on 11 November 2020, to grant planning permission for proposed new Manager's House at Field Adjacent to the Lodge, Colliston Castle, Colliston, 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 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 22 June 2020, 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 proposed new Manager's House, application No 19/00909/FULL, at Field Adjacent to the Lodge, Colliston Castle, Colliston, Arbroath (Report 168/20 to the Development Management Review Committee refers). The Committee agreed to hold a site visit and to reconvene after the site visit to discuss the application further.

Due to the Covid-19 pandemic, the site visit was delayed until 9 November 2020 when the Committee visited the site. The Committee thereafter met on 11 November 2020 to discuss the application further. 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 Leader - Planning and Communities, 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 to approve the conditions for application No 19/00909/FULL, 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 relation to this appeal, 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.

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

List of Appendices:

Appendix – Proposed Conditions in respect of planning application No. 19/00909/FULL

PLANNING PERMISSION FOR PROPOSED NEW MANAGER'S HOUSE AT FIELD ADJACENT TO THE LODGE, COLLISTON CASTLE, COLLISTON, ARBROATH - CONDITIONS

PLANNING APPLICATION NO 19/00909/FULL

Conditions:

1. Prior to the commencement of development, the following shall be submitted to and approved in writing by the planning authority:
 - i. Full details of the proposed means of foul and surface water disposal from the development. Thereafter the approved foul and surface water drainage scheme shall be provided in its entirety prior to the occupation of the dwelling house hereby approved;
 - ii. Full details of water supply arrangements. Thereafter the approved water supply arrangements shall be provided in its entirety prior to the occupation of the dwelling house hereby approved.

Reason:

In order to ensure the provision of acceptable foul and surface water drainage systems and to ensure an acceptable water supply arrangement for the dwelling house.

2. The dwellinghouse hereby approved shall only be occupied by person(s) employed in association with the management of Colliston Castle and members of their immediate family.

Reason:

In order to ensure that the house is occupied by an essential worker associated with the management of Colliston Castle as that is the basis on which the application has been assessed; and as required by Policy TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance (2016).