

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 16 DECEMBER 2020**

**LAND AT DUNTRUNE STEADINGS, DUNTRUNE - CONDITIONS**

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

**ABSTRACT:**

This Report sets out proposed conditions for planning application No 20/00210/FULL following on from the decision of the Development Management Review Committee, at its meeting on 11 November 2020, to grant planning permission for erection of single storey house, detached double garage and horse stabling building at Land at Duntrune Steadings, Duntrune.

**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 3 September 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 erection of single storey house, detached double garage and horse stabling building, application No 20/00210/FULL, at Land at Duntrune Steadings, Duntrune. (Report 210/20 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 20/00210/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.

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List of Appendices:

Appendix – Proposed Conditions in respect of planning application No. 20/00210/FULL

**PLANNING PERMISSION FOR ERECTION OF SINGLE STOREY HOUSE, DETACHED DOUBLE GARAGE AND HORSE STABLING BUILDING AT LAND AT DUNTRUNE STEADINGS, DUNTRUNE - CONDITIONS**

**PLANNING APPLICATION NO 20/00210/FULL**

**Conditions:**

1. That no works in relation to the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved by the Planning Authority. Details of the scheme shall include:
  - (i) Existing and proposed ground levels relative to a fixed datum point;
  - (ii) Existing landscape features and vegetation to be retained;
  - (ii) The location of new trees, shrubs, hedges and grassed areas;
  - (iv) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (v) The location, design and materials of all hard landscaping works including walls, fences and gates
  - (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

All landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of development or such other date as may be agreed in writing with the Planning Authority. Any planting which, in the opinion of the Planning Authority within a period of five years from the completion of development, is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

*Reason:*

*To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and in accordance with Angus Council Design and Placemaking Supplementary Guidance (2018).*

2. No works in relation to the development hereby approved shall take place until a scheme of improvements to the access track between the public road [Dundee to Tealing to Auchterhouse road] and the application site has been submitted to and approved in writing by the planning authority. The scheme of improvement shall include:-
  - i. A construction specification in accordance with the council's planning advice note; PAN 17 - Miscellaneous Planning Policies;
  - ii. Resurfacing of the first 6m of the access track extending to the south west where it meets the public road;
  - iii. A scheme for the full reconstruction of the verge crossing at the junction of the existing access track leading to Duntrune Steadings with the public road (Dundee to Tealing to Auchterhouse road), in accordance with the standards of Angus Council.

Thereafter, the approved scheme of improvements shall be completed prior to the commencement of any other works in connection with the planning permission hereby approved.

*Reason:*

*In order to provide a safe and suitable access to the proposed development in a timely manner in accordance with Policy DS4 of the Angus Local Development Plan (2016).*