

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 16 DECEMBER 2020

LAND ADJACENT TO HAWTHORN COTTAGE, BALDOVAN, STRATHMARTINE - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 20/00167/FULL following on from the decision of the Development Management Review Committee, at its meeting on 24 November 2020, to grant planning permission for erection of new dwellinghouse at Land Adjacent to Hawthorn Cottage, Baldovan, Strathmartine.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) approves the proposed conditions as set out in the Appendix to this Report, and
- (ii) refers the decision of this Committee to Scottish Ministers for final consideration/confirmation.

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 4 November 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 new dwellinghouse, application No 20/00167/FULL at Land Adjacent to Hawthorn Cottage, Baldovan, Strathmartine (Report 265/20 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.

On 24 November 2020, the Committee visited the site and met 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.

In light of the decision taken, as there is an outstanding objection from SEPA, the application, together with the agreed conditions, will require to be referred to Scottish Ministers for their final consideration/confirmation.

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 20/00167/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. 20/00167/FULL

PLANNING PERMISSION FOR ERECTION OF NEW DWELLINGHOUSE AT LAND ADJACENT TO HAWTHORN COTTAGE, BALDOVAN, STRATHMARTINE - CONDITIONS

PLANNING APPLICATION NO 20/00167/FULL

Conditions:

1. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:

(a) A detailed levels survey of the site. The detailed survey drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be completed in accordance with the approved levels prior to the occupation of the dwellinghouse.

(b) Precise details of all external roof and wall finishes. Thereafter the dwellinghouse and garage shall be completed in accordance with the approved external materials prior to the occupation of the dwellinghouse.

(c) A scheme for all hard and soft landscaping of the site including details of all boundary treatments. This scheme shall include an indication of all existing trees within and adjacent to the site, details of those to be retained and cleared, together with the measures for their protection in the course of development (erection of protective fencing in accordance with BS 5837: 2012) . The approved boundary enclosures shall be formed prior to occupation of the dwellinghouse. All planting indicated in the approved scheme shall be carried out in the first planting season following occupation of the house or the completion of the development, whichever occurs first, 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.

(d) Full details of the means for the disposal of foul water and surface water. For the avoidance of doubt, the development shall connect to the public drainage network for foul water disposal and use a SUDS system for surface water disposal. Thereafter the approved drainage scheme shall be implemented and completed prior to the occupation of the dwellinghouse hereby approved;

Reason: In order that the planning authority may control the specified details in the interests of amenity, to ensure that the drainage proposals are acceptable and to ensure the development is undertaken and maintained in accordance with the approved details.

2. Prior to the commencement of development, a scheme of improvements to the access track between Craigmill Road and the application site shall be submitted to and approved in writing by the planning authority. The scheme of improvement shall include:

(i) a drawing showing the widening of the access track and/or provision of inter-visible passing places at maximum intervals of 150 metres;

(ii) a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies;

(iii) the provision of adequate means of surface water drainage; and

(iv) an agreement for the upgrading works with any other owner(s) or person(s) with rights of access over the track, or other suitable evidence of a legal right to affect the scheme of improvements.

The scheme of improvements to the access track shall thereafter be completed prior to the commencement of any other works in connection with the planning permission hereby approved.

Reason: To provide a safe and suitable access and an adequate level of residential amenity.

3. Prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British

Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33.

Reason: In order to ensure that the site is suitable for human habitation.

4. Where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the site is suitable for human habitation.

5. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.