

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 26 MAY 2021

LAND AT WEST LOCHSIDE OF KINNORDY, KIRRIEMUIR - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 20/00750/PPPL following on from the decision of the Development Management Review Committee, at its meeting on 11 May 2021, to grant planning permission in principle for redevelopment of former Council roads yard for single house with associated access at Land at West Lochside, Kinnordy, Kirriemuir.

1. RECOMMENDATIONS

It is recommended that the Committee consider and approve 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 31 March 2021, 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 in principle for redevelopment of former Council roads yard for single house with associated access, application No 20/00750/PPPL, at Land at West Lochside, Kinnordy, Kirriemuir (Report 117/21 to the Development Management Review Committee refers). The Committee agreed to hold a site visit and to reconvene after the site visit to consider the application further.

On 11 May 2021, the Committee visited the site and met thereafter 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 consider and 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 20/00750/PPPL, 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. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

7. 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 20/00750/PPPL

**PLANNING PERMISSION IN PRINCIPLE FOR REDEVELOPMENT OF FORMER COUNCIL ROADS
YARD FOR SINGLE HOUSE WITH ASSOCIATED ACCESS AT
LAND AT WEST LOCHSIDE, KINNORDY, KIRRIEMUIR – CONDITIONS**

PLANNING APPLICATION NO 20/00750/PPPL

Conditions:

1. *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.*
 - a) *layout of the site which shall include provision for car parking and turning space;*
 - b) *siting, design and external appearance of the building(s);*
 - c) *the means of access to the development including, the provision of visibility sightlines. For the avoidance of doubt the gradient of the proposed access shall not exceed 1 in 30 (3.33%) within the extents of the public road, thereafter the gradient of the access shall not exceed 1 in 15 (6.66%) for at least the first 10 metres;*
 - d) *boundary enclosures and a scheme of hard and soft landscaping;*
 - e) *existing and proposed ground levels and finished floor levels relative to a fixed ordnance datum;*
 - f) *precises details of the means of foul and surface water drainage for the development. For the avoidance of doubt surface water shall be directed to a Sustainable Urban Drainage System.*

Reason: To ensure that the matters referred to are given detailed consideration.

2. *Prior to the commencement of development a Construction Method Statement (CMS) which shall include measures to ensure that the development would not result in any contamination of the Loch of Kinnordy (forming part of the SPA, SSSI and RAMSAR site) shall be submitted to and approved in writing by the Planning Authority. Thereafter all works shall be undertaken in accordance with the approved CMS.*

Reason: To ensure the development would not result in an unacceptable impact upon the Loch of Kinnordy.

3. *Prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted for the written approval of 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 for the written approval of the planning authority.*

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