

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 6 JULY 2021

ROWANBANK COTTAGE, CRAIGTON, MONIKIE - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No. 20/00636/PPPL following on from the decision of the Development Management Review Committee, at its meeting on 22 June 2021, to grant planning permission in principle for demolition of existing dwellinghouse and erection of seven dwellinghouses, at Rowanbank Cottage, Craigton, Monikie.

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 20 May 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 demolition of existing dwellinghouse and erection of seven dwellinghouses, application No. 20/00636/PPPL, at Rowanbank Cottage, Craigton, Monikie (Report 158/21 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 16 June 2021, the Committee visited the site and reconvened on 22 June 2021 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 20/00636/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 20/00636/PPPL

PLANNING PERMISSION IN PRINCIPLE FOR DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF SEVEN DWELLINGHOUSES, AT ROWANBANK COTTAGE, CRAIGTON, MONIKIE - CONDITIONS

PLANNING APPLICATION NO 20/00636/PPPL

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

- i) The number and siting of the building(s). For the avoidance of doubt, the Jon Frullani Architect Proposed Site Plan drawing no. 6256_P_113 dated 03 September 2020 is not approved;
- ii) The design and external appearance of the building(s).
- iii) A scheme for the landscaping and means of enclosure for the site;
- iv) Details of existing and proposed ground levels and floor levels relative to a fixed ordnance datum;
- v) All details relating to access, car parking, road layout design, specification and construction, including the provision of street lighting and surface water drainage. For the avoidance of doubt (i) visibility splays at the junction of the proposed access with B961 Dundee – Friockheim road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of B961 Dundee – Friockheim Road shall be provided; (ii) a scheme for the provision of a footway on the adjacent nearside of the B961 Dundee – Friockheim road shall be provided. The footway shall have a nominal width of 2.0 metres and shall extend from the existing footway at the junction of Camus Place with B961 in a north and north-easterly direction to tie-in to the existing footway outside Monikie Primary School, and; (iii) parking spaces shall be provided within each plot curtilage in accordance with the National Roads Development Guide (SCOTS).
- vi) Detailed plans and supporting information for the means of drainage (foul and surface water) for the development;
- vii) A scheme for the provision and ongoing maintenance of open space.

Reason:

In order that the planning authority may consider the acceptability of the identified matters and in order to ensure an acceptable means of drainage is provided for the development.

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 27(4)(a)-(f) of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to the development, until a planning obligation pursuant to s.75 of the said Act relating to the land has been made and lodged with the planning authority and the planning authority has notified the persons submitting the same that it is to the planning authority's approval. The said planning obligation will provide: -

- (a) 25% of the total units are provided as affordable housing or suitable alternative provision in accordance with Policy TC3 of the Angus Local Development Plan 2016 and the Developer Contributions and Affordable Housing Supplementary Guidance or any subsequent policy or guidance that replaces it.
- (b) a financial contribution of £518 (index linked) per dwellinghouse (excluding affordable housing units) be provided towards the cost of public park and amenity open space.
- (c) a financial contribution of £490 (index linked) per dwellinghouse (excluding affordable housing units) be provided towards the cost of formal and informal play space.

Reason:

In order to ensure provision of affordable housing and community facilities in accordance with policies DS5 and TC3 of the Angus Local Development Plan 2016 and the Developer Contributions and Affordable Housing Supplementary Guidance .

3. 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:

In order 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.

4. The demolition of Rowanbank Cottage and associated buildings and development of the site shall be carried out in accordance with the section '5. BAT PROTECTION PLAN' (pages 10-11) of the "Bat Survey Report, Rowanbank Development Site, Monikie, Prepared for Bill Green, issued 29th August 2019" prepared Jenny Wallace, unless otherwise modified by conditions of a European Protected Species (EPS) licence. This shall include application to Scottish Natural Heritage (SNH) for an EPS Licence and appropriate mitigation prior to commencement of any works affecting the roost site, including demolition of buildings.

Reason:

In order to protect European Protected Species and nesting birds in accordance with the policy aims of Policy PV5 of the Angus Local Development Plan (2016).