

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 21 MARCH 2022**

**LAND AT BARNS OF CRAIG, MONTROSE - CONDITIONS**

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

**ABSTRACT:**

This Report sets out proposed conditions for planning application No. 21/00464/PPPL following on from the decision of the Development Management Review Committee, at its meeting on 9 February 2022, to grant planning permission in principle for erection of single house and access, application No 21/00464/PPPL, at Land at Barns of Craig, Montrose.

**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/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. CURRENT POSITION**

At its meeting on 24 January 2022, 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 erection of single house and access, application No 21/00464/PPPL, at Land at Barns of Craig, Montrose (Report 10/22 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 9 February 2022, the Committee visited the site and reconvened 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 Sustainable Growth, 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 21/00464/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 21/00464/PPPL**

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF SINGLE HOUSE AND ACCESS AT  
LAND AT BARNS OF CRAIG, MONTROSE – CONDITIONS**

**PLANNING APPLICATION NO 21/00464/PPPL**

Conditions:

1 That 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. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the dwellinghouse(s).

- a) the siting, design and external appearance of the building(s).
- b) the layout of the site including the means of access, turning space and car parking;
- c) details of proposed waste management arrangements;
- d) a scheme detailing the hard and soft landscaping of the site. The submitted scheme shall include details of new tree/hedge planting;
- e) the means of site enclosure;
- f) the existing and proposed ground levels and finished floor levels relative to a fixed ordnance datum and ground and floor levels of neighbouring properties;
- g) precise details of the means of drainage for the development. For the avoidance of doubt surface water shall be directed to a sustainable drainage system.

Reason:

To ensure that the matters referred to are given detailed consideration in the interests of providing satisfactory access and residential environment as required by development plan policy.

2 Prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the public road giving a minimum sight distance of 215 metres in a north-easterly direction and 160 metres in a south-westerly direction, each at a point 2.4 metres from the nearside channel line of the public road (U478 Ferryden – Usan – Dunninald). Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.

Reason:

To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.