

## **ANGUS COUNCIL**

MINUTE of MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held remotely on Wednesday 14 September 2022 at 12.30 pm.

**Present:** Councillors BILL DUFF, GAVIN NICOL, KENNY BRAES and BRENDA DURNO.

Councillor DUFF, Convener, in the Chair.

Prior to the commencement of business, the Convener referred to the recent death of Her Majesty Queen Elizabeth II, following which a minute's silence was observed.

**1. APOLOGIES/SUBSTITUTES**

An apology for absence was intimated on behalf of Councillor David Fairweather.

**2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT**

No declarations of interest were made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 31 August 2022 was approved as correct record and signed by the Convener.

**4. CAIRNTON STEADING, EAST NEWTON, ARBROATH**

With reference to Article 6 of the minute of meeting of this Committee of 31 August 2022, there was re-submitted Report No 218/22 by the Director of Legal and Democratic Services detailing an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse, application No 21/00614/FULL, at Cairnton Steading, East Newton, Arbroath.

The Committee noted that an unaccompanied site visit had taken place on 13 September 2022. The Planning Adviser provided a further overview of the application following which the Committee confirmed that they had sufficient information to consider the review at this meeting.

Having heard from all members, the Committee intimated that it was their view that House 4 would be within the curtilage of the steadings themselves and as a result constituted a rounding off and efficient use of the land. It was also the Committee's view that the land was not in agricultural use. The proposal would therefore comply with policy TC2 of the Angus Local Development Plan 2016 and the provisions of the Countryside Housing Supplementary Guidance and members were minded to uphold the appeal and grant planning permission.

At this stage in the meeting, the Committee considered the following suggested conditions by the Service Leader – Planning & Sustainable Growth which would be attached to the grant of planning permission for application No 21/00614/FULL:-

**Conditions:**

1. 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 Section 75 of the same 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 shall provide that 25% of the proposed dwellings are provided as affordable residential units, or suitable alternative provision is provided in accordance with Angus Council's Developer Contribution and Affordable Housing Supplementary Guidance (2018).

*Reason: To ensure the provision of affordable housing in accordance with policies TC2 and TC3 of the Angus Local Development Plan (2016) and the associated Developer Contribution and Affordable Housing Supplementary Guidance (2018).*

2. No works in connection with the development hereby approved shall commence until the following has been submitted to and approved in writing by the planning authority:

- a) a photographic survey of the existing buildings and structures on the application site. 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.
- b) details of the external finishes for the proposed housing. Thereafter, only the approved external materials shall be applied to the building.
- c) a scheme of landscaping and boundary treatments. Thereafter, the approved boundary treatments shall be erected prior to the occupation of the respective dwelling. All landscaping 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 but shall be no later than within 12 months of the occupation of the first dwelling hereby approved. 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.
- d) existing and proposed ground and finished floor levels relative to a fixed datum point and neighbouring residential property. Thereafter the development shall be completed in accordance with the approved site levels.
- e) precise details of the proposed solar PV array. Thereafter, the approved solar array shall only be completed in accordance with the approved details.
- f) plans and elevations of the proposed detached garages. Thereafter the garages shall only be completed in accordance with the approved details.

*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; to ensure external finishes, boundary treatments, site levels, garages and landscaping are appropriate for the rural character of the surrounding area; and in order to secure detailed arrangements for the proposed solar PV array.*

3. Prior to the commencement of development, the potholes on the access track between the public road [C45] and the application site shall be infilled with Type 1 Subbase or other equivalent material. The development shall thereafter not commence until the planning authority has approved those works in writing.

*Reason: To provide a safe and suitable standard of access in the interests of residential amenity.*

Having considered the conditions, the Committee agreed that the Review be upheld and the application approved for the reasons and subject to the conditions as detailed above.