

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 9 May 2023 at 2.00 pm.

Present: Councillors BILL DUFF, GAVIN NICOL, KENNY BRAES, HEATHER DORAN, BRENDA DURNO and DAVID FAIRWEATHER.

Councillor DUFF, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST/STATEMENT OF TRANSPARENCY

There were no declarations of interest or statements of transparency made.

At this stage in the meeting, Councillor Fairweather advised that he had been unable to undertake the site visit in relation to Item 4, application No. 22/00500/FULL to be considered at this meeting. He indicated that as he had not been party to all of the relevant information, he would not take part in any discussion or voting in relation to the item.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 7 and 9 March 2023 were approved as correct records and signed by the Convener.

4. LAND 150M WEST OF NETHERTON COTTAGES, MEMUS, FORFAR

With reference to Article 5 of the minute of meeting of this Committee of 23 February 2023, there was submitted Report No 132/23 by the Director of Legal and Democratic Services presenting the responses by the planning authority and the applicant in respect of a Written Procedure Notice issued following the Committee's consideration of the Notice of Review in respect of the siting of two glamping units and associated works at Land 150m West of Netherton Cottages, Memus, Forfar.

The Committee noted that an unaccompanied site visit had taken place on 27 April 2023.

Thereafter, the Planning Adviser provided an overview of the application, following which the Committee gave consideration to the contents of the Report and noted the Written Procedure Notice Responses. The Committee further considered the papers submitted by the appointed person and by the applicant (Report No 35/23) and confirmed that they had sufficient information to determine the appeal and that no further procedure was required.

Having heard from all members, the Committee intimated that it was their view that the application complied with National Planning Framework 4 and the Local Development Plan as it supported rural development, rural business and tourism. The Committee considered that loss of a small part of agricultural land, which could be reinstated, was not contrary to the policies of the Development Plan.

Members were satisfied that appropriate mitigation measures could be put in place through the use of planning conditions to support the proposed development and to address the objections of the Roads Authority.

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. 22/00500/FULL:-

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason:

In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. Prior to the commencement of development, the following shall be submitted to and approved in writing by the planning authority:-

(i) A scheme of hard and soft landscaping, boundary treatments and biodiversity enhancement measures to serve the development. The scheme of landscaping shall be in accordance with Angus Council Advice Note 21 – The Siting of Built Development in the Countryside and shall include details of the timing for the provision of landscaping and biodiversity enhancement measures. Thereafter, the landscape and biodiversity enhancement measures shall be carried out in accordance with the approved details (including timing for its provision). Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years shall be replaced by trees or shrubs of similar size and species to those originally approved in terms of this condition in the next planting season.

(ii) Details for the management of surface water drainage associated with the development. For the avoidance of doubt, surface water shall be managed by means of sustainable drainage. Thereafter, no pod shall be occupied until the approved means of surface water drainage has been installed.

(iii) Details of existing and proposed ground levels across the site relative to a fixed datum. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of any pod hereby approved.

(iv) Details of the proposed waste management arrangements to serve the development. Thereafter the development shall be operated in accordance with the approved arrangements.

Reason:

In order to ensure that appropriate landscape mitigation and biodiversity enhancement measures are provided; and in order to ensure appropriate arrangements for surface water management, site levels and waste management are appropriately addressed.

3. Prior to the commencement of any other development, visibility splays of 2.4 x 215 metres shall be provided on both sides of the proposed access at its junction with the public road. For the avoidance of doubt, the splays shall also make provision for a forward visibility of 215 metres on the west approach to the site when measures from the proposed site access. Once formed nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level within the visibility splays.

Reason:

In order to ensure a safe and suitable access and to provide and maintain adequate sightlines in the interests of road safety.

4. That the development hereby approved shall be served by a connection to the public mains water supply and no pod on the site hereby approved shall be occupied until that supply is provided.

Reason:

In order to ensure that the development is undertaken in accordance with the detail upon which the application has been assessed and to ensure the development is served by an appropriate water supply.

5. That the number of accommodation pods permitted within the site hereby approved shall not exceed 2 in total and no other pods, chalets, caravans or other accommodation other than that which is identified in the proposed plans shall be located within the site.

Reason:

In order to ensure that the proposed development does not operate at a level which has not been considered as part of this application.

6. The development hereby approved shall be used for holiday accommodation only and no person shall occupy any pod or other structure as permanent residential accommodation or as a permanent or principal residence.

Reason:

In order to define the consent and ensure that no permanent residence is formed at the site as this would be contrary to the council's policies for tourism development and residential caravans.

7. No pods located within the application site shall be occupied by the same individual or group of individuals for a period exceeding a total of 12 weeks in any 26-week period. The operator of the site shall maintain a register of guests (including the name, address, dates of arrival and departure) of those staying at the site. On request, this guest register shall be made available to the Council as planning authority for inspection.

Reason: In order to ensure that no permanent residence is formed at the site as this would be contrary to the council's policies for tourism development and residential caravans.

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

5. SITE OF FORMER LINKS HOTEL, 8 LINKS PARADE, CARNOUSTIE

There was submitted Report No 133/23 by the Director of Legal and Democratic Services detailing an application for a review in respect of the erection of eight residential flats (non-determination), application No 22/00646/FULL, at Site of Former Links Hotel, 8 Links Parade, Carnoustie.

The Planning Adviser referred the Committee to Report No 26/23 submitted to the Development Standards Committee on 14 February 2023 which informed members of the changes that National Planning Framework 4 would bring about as part of the Development Plan and its implications.

Having considered the advice provided by the Planning Adviser, the Committee agreed that further procedure was required by way of written submissions and requested the planning authority to provide further representations or information in respect of the following:-

- (i) a statement on National Planning Framework 4 in respect of the proposed development;
- (ii) a statement on the Angus Local Development Plan (2016) (including appropriate Supplementary Guidance) in respect of the proposed development; and
- (iii) a copy of the information required should be submitted to the Director of Legal and Democratic Services within 28 days of the date of the Written Procedure Notice, with a copy to be provided to the applicant as provided for by the Written Procedure Notice.