

## **ANGUS COUNCIL**

MINUTE of HYBRID MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Thursday 15 June 2023 at 10.00 am.

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

Councillor DUFF, Convener, in the Chair.

### **1. APOLOGIES/SUBSTITUTES**

Apologies for absence were intimated on behalf of Councillors Heather Doran and David Fairwewather.

### **2. DECLARATIONS OF INTEREST/STATEMENT OF TRANSPARENCY**

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

### **3. LAND 40M NORTH OF LUMMINGTON STEADING HOUSE, BRATHINCH, BRECHIN**

With reference to Article 5 of the minute of meeting of this Committee of 23 May 2023, there was submitted Report No 141/23 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, and Report No 85/23, in respect of the refusal of planning permission for erection of a dwellinghouse, application No 22/00376/FULL, at Land 40m North of Lummington Steading House, Brathinch, Brechin.

The Committee noted that an unaccompanied site visit had taken place on 14 June 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 85/23) 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 the relevant policies of National Planning Framework 4 and the Local Development Plan as it supported rural development, sustainable housing in the rural area and would round-off an existing building group. The Committee intimated that they were minded to uphold the appeal, subject to conditions being attached.

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 22/00376/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) A scheme for the provision of foul drainage to serve the development and to ensure the continued provision of foul drainage for neighbouring property. The scheme shall ensure that any impacts on the drainage of neighbouring property are investigated and mitigated to ensure continued provision. Thereafter, the development shall be carried out in accordance with the approved scheme and any timescales contained therein.

*Reason:*

*To ensure that the measures necessary to mitigate impacts associated with the development in respect of hard and soft landscaping, boundary treatments, biodiversity enhancement and foul drainage are appropriately addressed.*

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.

#### **4. LAND 225M NORTH EAST OF HUNTERS CABINS, JUSTINHAUGH, FORFAR**

With reference to Article 6 of the minute of meeting of this Committee of 23 May 2023, there was submitted Report No 142/23 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, and Report No 86/23, in respect of the refusal of planning permission for erection of a dwellinghouse and ancillary works, application No 22/00305/FULL, at Land 225M North East of Hunters Cabins, Justinhaugh, Forfar.

The Committee noted that an unaccompanied site visit had taken place on 14 June 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 86/23) 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 the relevant policies of National Planning Framework 4 and the Local Development Plan as it supported rural tourism, would contribute towards sustaining a fragile rural community, would support rural homeworking, would remove a derelict site left undeveloped and would not adversely impact the integrity of the area. The Committee intimated that they were minded to uphold the appeal, subject to conditions being attached.

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 22/00305/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) a construction method statement which shall identify the site specific measures necessary to minimise the risk of pollution entering the River South Esk Special Area of Conservation. Thereafter, the development shall be carried out in accordance with the approved details.

(iii) details of existing and proposed ground levels across the site and finished floor levels relative to a fixed datum. Thereafter, the development shall be undertaken in accordance with the approved details.

*Reason:*

*To ensure that the measures necessary to mitigate impacts associated with the development in respect of soft landscaping, boundary treatments, biodiversity enhancement and site levels are appropriately addressed; and to prevent pollution of the River South Esk Special Area of Conservation in the interests of protecting freshwater pearl mussels and Atlantic salmon.*

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.