

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 27 NOVEMBER 2023

4 MARKET STREET, BRECHIN - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

ABSTRACT:

This Report sets out proposed conditions for planning application No. 23/00199/FULL, following on from the decision of the Development Management Review Committee, at its meeting on 27 September 2023, to grant planning permission for change of use to form flatted dwelling, application No 23/00199/FULL, at 4 Market Street, Brechin.

1. RECOMMENDATIONS

It is recommended that the Committee consider the proposed conditions as set out in the Appendix to this Report, and determine as appropriate.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Council Plan:

- 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 27 September 2023, 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 for change of use to form flatted dwelling, application No 23/00199/FULL, at 4 Market Street, Brechin (Report 268/23 to the Development Management Review Committee refers).

The decision of the Review Committee was that they were minded to grant permission subject to conditions being agreed. Conditions were presented by the Planning Adviser however members agreed that they would wish further conditions to be attached to address the potential conflict between the residential use and the neighbouring hot food takeaway.

Following consultation with the Service Leader – Planning and Sustainable Growth and the Environmental Health Service, both services have concluded that there is no means of applying planning conditions that could address the potential conflict with the ongoing operation of the hot food takeaway. The proposed conditions are therefore limited to those detailed in the Appendix to this Report. It is recommended that the Committee consider the conditions as detailed and determine as appropriate.

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 23/00199/FULL, 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.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices

Appendix: Proposed Conditions in respect of planning application No 23/00199/FULL

**PLANNING PERMISSION FOR CHANGE OF USE TO FORM FLATTED DWELLING AT
4 MARKET STREET, BRECHIN – CONDITIONS**

PLANNING APPLICATION NO 23/00199/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. For the avoidance of doubt, the West/Street elevation shown on drawing 010122 SK-2B is not approved, and the windows, door and external finishes shall be implemented in accordance drawing entitled Door & Window dated June 2023.

Reason:

For clarity on the approved door and window design, and external finishes.

The second condition is required because a revised drawing showing suitable door and window designs contradicts the street elevation shown on 010122, and as this is a listed building within a conservation area, the appropriate external appearance of the development is of particular importance.