

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 16 APRIL 2024

APPOINTMENTS – DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

- 1.1 This Report seeks the appointment of a differently constituted Development Management Review Committee (DMRC) to consider afresh the application for review in respect of the refusal of planning permission for erection of a crematorium and associated structures, planning application No. 20/00830/FULL, at Land North-East of Duntrune House, Duntrune.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

This Report contributes to the achievement of our priority that the Council is efficient and effective.

3. RECOMMENDATIONS

It is recommended that the Committee:

- (i) note the decision of the Court of Session in relation to the appeal submitted;
- (ii) appoint six new members to the differently constituted DMRC to consider afresh the application for review in respect of Land North East of Duntrune House, Duntrune only; and
- (iii) appoint a Convener of this differently constituted DMRC, which Convener shall remain until such time as this application for review has been concluded.

4. BACKGROUND

- 4.1 The DMRC, at its meeting on 14 March 2023, agreed to uphold an appeal and grant planning permission for erection of a crematorium and associated structures, planning application No. 20/00830/FULL, at Land North-East of Duntrune House, Duntrune, subject to conditions. Those conditions were agreed at a meeting of the DMRC on 13 June 2023.
- 4.2 The decision of the DMRC was subsequently appealed to the Court of Session. On 12 March 2024, the Court of Session allowed the appeal and determined that the application for review by Duntrune Ltd against refusal of planning permission in respect of erection of a crematorium and associated structures at Land North East of Duntrune House, Duntrune be considered afresh by a differently constituted DMRC.

5. CURRENT POSITION

- 5.1 Following the decision of the Court of Session, the Committee is required to establish a differently constituted DMRC to consider the application for review.
- 5.2 The members of the DMRC involved in the initial consideration of the review and subsequently the decision to uphold the appeal were Councillors Duff, Gavin Nicol, Braes, Doran and Beattie (substitute member for Councillor Durno).

6. PROPOSALS

- 6.1 In terms of Section F(1)(iii) of this Council's Scheme of Governance – Terms of Reference, the Development Management Review Committee shall consist of six members to be drawn from the membership of the Development Standards Committee. The Committee is therefore requested to appoint six members to form a differently constituted DMRC from that detailed at

Section 5.2 above, to consider the application for review in respect of Land North East of Duntrune House, Duntrune only.

6.2 The Committee is also requested to appoint a Convener for this Committee only.

7. FINANCIAL IMPLICATIONS

7.1 There are no direct financial implications arising from the recommendations of this Report.

8. RISK MANAGEMENT

8.1 There are no direct risks arising from the recommendations of this Report.

9. ENVIRONMENTAL IMPLICATIONS

9.1 There are no direct environmental implications arising from the recommendations of this Report.

10. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

10.1 A screening assessment has been undertaken and a full Equality Impact Assessment is not required as this Report concerns the appointment of a differently constituted DMRC and does not impact on people due to the technical nature of the Report.

11. CONSULTATION

11.1 The Director of Finance has been consulted in the preparation of this Report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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