

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

17 JULY 1997

SUBJECT: PLOT 5, CORTACHY ROAD, KIRRIEMUIR

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine the appeal against a condition imposed by Angus Council on a grant of consent for the erection of a house at Plot 5, Cortachy Road, Kirriemuir.

1 RECOMMENDATION

It is recommended that the Committee notes the successful outcome of the above appeal.

2 INTRODUCTION

2.1 Under delegated powers, the Director of Planning, Transport & Economic Development granted Planning Permission for the erection of a house at "Guilan", Plot 5, Cortachy Road, Kirriemuir which was conditional upon a footway being provided ex-adverso the site (01/96/1337).

2.2 The applicant's, Mr & Mrs R Guild, appealed against the condition and the Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

3.1 Section 25 of the Act requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. No statutory development plan policies have been drawn to my attention. On the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the condition is justified in the short and/or long term interests of road traffic and/or pedestrian safety and, if so, whether there is a threat to the contribution to landscape quality made by the boundary hedge, such as would override safety considerations.

3.2 My site inspection revealed that the footway which the Council aims to secure in the longer term would serve about 20 vehicular/pedestrian accesses on Cortachy Road between Mid Road and its junction with Golf Road about 800 metres to the east. It would also serve the occupiers of houses accessed by Mid Road and Angle Road. To the west of Mid Road a grass verge exists over a distance of about 150 metres to Angle Road. It accommodates a bus stop, with no prepared pedestrian standing area, and there are no formal existing accesses from the houses behind. Beyond Angle Road a footway already exists on the south side of Cortachy Road.

- 3.3 I agree with you that it may be some time before the Council's aspirations are fully realised. I have noted that, particularly towards the eastern end of Cortachy Road, the acquisition of garden ground behind a narrower verge may be involved. I share the Council's opinion that provision of a footway on the south side of Cortachy Rod would be in the longer term interests of road safety, and I believe that it is right to take the opportunity provided by new development to make a start in its provision. I do not agree with you that provision of a relatively short stretch in the meantime would lead to the creation of a safety hazard for pedestrians and road users.
- 3.4 With regard to the long term health of the beech hedge, I have noted that it is already trimmed, more or less, to what would be the alignment of the heel of the new footway, ie the outer face of the old stone dyke and the new dyke to the east. The stems lie behind the old dyke, and while the root system may have penetrated it, I am not persuaded that the construction of the footway would be prejudicial to the long term health of the hedge.
- 3.5 Drawing these conclusions together, and having had regard to all of the matters in written submissions and observed at the site inspection, I conclude that the first sentence of condition 01 is necessary in the interests of road safety, and that its implementation would not result in detriment to the visual amenity of the area. Accordingly, in exercise of the authority delegated to me, I hereby dismiss your appeal.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

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.

AA/JJ/MR

19 June 1997

Alex Anderson
Director of Planning, Transport & Economic Development