

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 1 July 2008 at 10.00 am.

Present: Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, FRANK ELLIS, DAVID FAIRWEATHER, IAIN GAUL, ALEX KING, HELEN OSWALD, MARK SALMOND, BOB SPINK and PAUL VALENTINE.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brown and Palmer.

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

In terms of the Councillors' Code of Conduct and the Council's Good Practice Guidelines, the following undernoted declarations of interest/intimations of contact were made:-

- Councillor Lumgair declared an interest in item 12, application No 08/00520/OUT and item 13, application No 08/00634/FUL, as he was a friend of the applicants. He advised that he would not be taking part in the discussion and voting on the two items.
- Councillor King declared an interest in item 6, application No 07/01043/OUT, as he was a Trustee of a neighbouring property, and had arranged a private meeting of objectors to obtain advice from a planning consultant. He advised that he would not be taking part in the discussion and voting.
- Councillor Fairweather declared an interest in item 6, application No 07/01043/OUT, as he had attended the meeting referred to by Councillor King. He advised that he would not be taking part in any discussion and voting.
- Councillor Valentine intimated that, in relation to item 23, application No 07/01632/FUL, he had received an e-mail from an objector on the matter. He advised that he would be taking part in the discussion and voting.
- Councillors Salmond and Andrews intimated that, in relation to item 20, Report No 673/08, they had both received an e-mail from an objector, but both had deleted it without replying. They advised that they would be taking part in the discussion and voting.

3. MINUTES OF PREVIOUS MEETINGS

The [minutes of meetings of this Committee of 20 May](#) and [10 June 2008](#) were submitted, copies of which had been contained in Volume 86 presented to the full Council meeting on 26 June 2008. A revised copy of Article 4 of the latter minute was tabled and Councillor Ellis confirmed that he was satisfied that the revised version better reflected the question he had asked about pressure on school capacities in the Sidlaw area.

The Committee agreed to approve both minutes as correct records and were thereupon signed by the Convener.

Arising from the minute of the meeting held on 10 June, Councillor Gaul asked when the Committee would receive the report on the events leading up to the refusal of planning application No 07/00735/FUL (Land at Lethnot Road, Edzell). The Head of Planning and Transport indicated that the applicants' agent would reply to the Council's request for comments when he returned from annual leave on 14 July 2008.

4. BUILDING WARRANTS

The Committee noted that during the period 2-20 June 2008 a total of 4 Demolition Warrants, 1 Staged Warrant, 16 Amendments to Warrants and 97 Building Warrants had been approved with an estimated cost of £5,461,540.

PLANNING APPLICATIONS

5. DELEGATED APPROVALS

There was submitted [Report No 658/08](#) by the Director of Infrastructure Services detailing the applications determined by the Head of Planning and Transport in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the 61 applications determined under delegated powers during the period 3-24 June 2008.

6. 7 BROTHOCK BRIDGE, ARBROATH

Councillors King and Fairweather, having declared interests at item 2 above, left the meeting during the consideration of this item.

There was submitted [Report No 659/08](#) by the Director of Infrastructure Services detailing application No 07/01043/OUT by De Vitos Nightclub for the change of use from Community Centre to nightclub at 7 Brothock Bridge, Arbroath. The application was recommended for approval.

Slides were shown.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE COMMITTEE APPROVE THE APPLICATION AS DETAILED IN THE REPORT.

Councillor Spink, seconded by Councillor Valentine, moved as an amendment, that the application be refused as the proposed development would adversely affect the amenity of the neighbouring properties.

On a vote being taken, members voted:

For the motion:

Councillors Lumgair, Rymer, Andrews, Ellis and Oswald. (5)

For the amendment:

Councillors Gaul, Salmond, Spink and Valentine. (4)

The motion was declared carried resulting in the application being approved as detailed in the Report.

7. LAND AT 2 BURNSIDE STREET, CARNOUSTIE

With reference to Article 9 of the minute of meeting of this Committee of 10 June 2008, there was submitted [Report No 660/08](#) by the Director of Infrastructure Services detailing conditions to be attached to application No 08/00024/FUL for the erection of seven flats on land at 2 Burnside Street, Carnoustie by the firm of Sea Shell.

The Committee approved the conditions as detailed in the Report.

8. SEAFRONT RECREATIONAL AREA, LINKS PARADE, CARNOUSTIE

There was submitted [Report No 661/08](#) by the Director of Infrastructure Services detailing application No 08/00603/FUL by Angus Council for the recreational development of the seafront/public open space at Links Parade, Carnoustie. The application was recommended for approval.

The Committee unanimously agreed that the application be approved as detailed in the Report.

9. LAND EAST OF CARLOGIE ROAD, CARNOUSTIE

There was submitted [Report No 662/08](#) by the Director of Infrastructure Services detailing application No 07/01682/OUT by D J Laing (Homes) Ltd for the formation of an employment area comprising Class (4) Business, Class 5 (General Industry) and Class 6 (Storage and Distribution) Uses and Realignment of Carlogie Road at land east of Carlogie Road, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Maclean, the applicant's agent, addressed the meeting.

The Committee agreed that the application be approved as detailed in the Report.

10. LAND BEHIND ROCKBEARE, CORTACHY ROAD, NORTHMUIR, KIRRIEMUIR

There was submitted [Report No 663/08](#) by the Director of Infrastructure Services detailing application No 08/00571/FUL by Mr and Mrs Cattanach for the erection of a dwellinghouse and garage on land behind Rockbeare, Cortachy Road, Northmuir, Kirriemuir.

The Committee noted that the applicant had withdrawn the application.

11. 61 FORFAR ROAD, KIRRIEMUIR

There was submitted [Report No 664/08](#) by the Director of Infrastructure Services detailing application No 08/00763/FUL by Ms H Findlay for alterations and extension to a dwellinghouse at 61 Forfar Road, Kirriemuir.

The Committee noted that the applicant had withdrawn the application.

Councillor Lumgair, having declared an interest at item 2 above, left the meeting during consideration of items 12 and 13. Councillor Rymer took the chair.

12. LAND AT DRIMMIE ROAD, LETHAM

There was submitted [Report No 665/08](#) by the Director of Infrastructure Services detailing application No 08/00520/OUT by A K & E Smith for the erection of a housing development on land at Drimmie Road, Letham. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved as detailed in the Report.

13. LAND AT 6 DUNDEE STREET, LETHAM

There was submitted [Report No 666/08](#) by the Director of Infrastructure Services detailing application No 08/00634/FUL by I Lawson for the erection of two dwellinghouses on land at 6 Dundee Street, Letham. The application was recommended for refusal.

Slides were shown.

The Committee agreed that the application be refused for the reasons detailed in the Report.

14. LAND AT HIGH STREET ADJACENT TO GLENESK HOTEL, HIGH STREET, EDZELL

There was submitted [Report No 667/08](#) by the Director of Infrastructure Services detailing application No 08/00386/FUL by Shemara Homes for the erection of six flats on land at High Street adjacent to the Glenesk Hotel, High Street, Edzell.

The Committee noted that the applicant had withdrawn the application.

15. INNERVAR, PANMURE ROAD, MONIKIE

There was submitted [Report No 668/08](#) by the Director of Infrastructure Services detailing application No 08/00495/OUT by Mr P Paton for the erection of a dwellinghouse at Innavar, Panmure Road, Monikie. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved as detailed in the Report.

16. LAND AT SMIDDYHILL, SWIRLBURN, ARBROATH

There was submitted [Report No 669/08](#) by the Director of Infrastructure Services detailing application No 08/00545/FUL by Mr and Mrs Reid for the erection of a dwellinghouse on land at Smiddyhill, Swirlburn, Arbroath.

The Committee noted that the applicant had withdrawn the application.

17. BALLUMBIE SOUTH LODGE, BURNSIDE OF DUNTRUNE

There was submitted [Report No 670/08](#) by the Director of Infrastructure Services detailing application No 08/00558/FUL by Alison Brady for the partial change of use to form a home and alternative therapy clinic at Ballumbie South Lodge, by Dundee. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved as detailed in the Report.

18. 2 NORTH POWRIE FARM COTTAGES, TEALING

There was submitted [Report No 671/08](#) by the Director of Infrastructure Services detailing application No 07/00513/FUL by Mr and Mrs Suttie for retrospective consent for the breeding and housing of dogs on land at 2 North Powrie Farm Cottages, Tealing. The application was recommended for approval.

Slides were shown and Mrs Suttie, the applicant, addressed the meeting.

The Committee agreed that the application be approved as detailed in the Report.

19. 7 KIRKGAIT, LETHAM

There was submitted [Report No 672/08](#) by the Director of Infrastructure Services detailing application No 08/00691/FUL by Mr and Mrs J Kelly for an extension to a dwellinghouse at 7 Kirkgait, Letham. The application was recommended for refusal.

Slides were shown.

The Committee agreed that the application be refused for the reasons detailed in the Report.

20. ENFORCEMENT UPDATE

There was submitted [Report No 673/08](#) by the Director of Infrastructure Services updating the Committee on the progress of enforcement cases by the Planning and Transport Service which had been agreed by the Development Standards Committee.

With reference to Article 22(i) of the minute of meeting of this Committee of 10 June 2008, the Committee heard from Miss Fox, advisor to J & S Properties, the owner of the relevant land at Caldham Gardens, Brechin.

After members' questions had been answered, the Committee agreed:-

- (i) that the matter be continued to the next meeting on 12 August to enable Mr Leslie Melville to complete the turning heard otherwise the matter would be reported to the Procurator Fiscal; and

- (ii) to note the current position with regard to all other enforcement cases detailed in the Report.

21. PLANNING APPEAL DECISIONS

(a) Land at Primary School, Careston, Brechin

With reference to Article 7 of the minute of meeting of this Committee of 19 February 2008, there was submitted [Report No 674/08](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Government to determine the appeal against the refusal of Angus Council to grant consent for the erection of a dwellinghouse on land at Careston Primary School, Careston.

The Committee noted that the appeal had been dismissed.

(b) Careston Primary School, Careston, Brechin

With reference to Article 8 of the minute of meeting of this Committee of 19 February 2008, there was submitted [Report No 675/08](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for the conversion of the school to a dwellinghouse at Careston Primary School, Careston.

The Committee noted that the appeal had been dismissed.

(c) Land Adjacent to Clachbain, Lamondfauld Road, Hillside, Montrose

With reference to Article 17 of the minute of meeting of this Committee of 4 September 2007, there was submitted [Report No 676/08](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Government to determine the appeal against the refusal of Angus Council to grant consent for the erection of a dwellinghouse on Garden Ground at Clachbain, Hillside, Montrose.

The Committee noted that the appeal had been dismissed.

22. MOUNTBOY PUBLIC LOCAL INQUIRY

With reference to Article 35 of the minute of meeting of this Committee of 20 May 2008, there was submitted [Report No 677/08](#) by the Director of Infrastructure Services attaching a copy of the Statement of Case submitted on behalf of the Council in respect of the Public Local Inquiry to be held to consider the appeal on the basis of non-determination of planning application No 07/00050/FUL for the erection of three wind turbines at Mountboy, Rossie Moor, Montrose.

The Committee agreed to note the contents of the Statement of Case appended to the Report.

23. MAJOR WINDFARM AND WIND CLUSTER PLANNING APPLICATIONS

With reference to Article 35 of the minute of meeting of this Committee of 20 May 2008, there was submitted [Report No 678/08](#) by the Director of Infrastructure Services which advised that an appeal on the basis of non-determination of planning application No 07/01632/FUL for the erection of 11 wind turbines at Montreathmont Moor, Friockheim had been submitted to the Scottish Government.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR KING, MOVED THAT THE COMMITTEE ADOPT THE APPROACH REFERRED TO IN PARA 4.7 OF REPORT NO 678/08 AND USE CONSULTANTS TO REPRESENT THE COUNCIL FOR THE ENTIRE PLI PROCESS, AND THAT THE COSTS BE MET FROM THE RELEVANT BUDGET.

Councillor Rymer, seconded by Councillor Salmond, moved as an amendment, that the Committee agree:-

- (i) to note that an appeal had been submitted on the basis of non-determination of planning application No 07/01632/FUL for the erection of 11 wind turbines at Montreathmont Moor, Friockheim and that further appeals would be submitted;
- (ii) to approve the proposed strategy detailed in the Report for defending the appeals and;
- (iii) to note that the approach would have significant implications for staffing and workload.

On a vote being taken, the members voted:-

For the motion:

Councillors Lumgair, Ellis, Gaul, King, Oswald, Spink and Valentine. (7)

For the amendment:

Councillors Rymer, Andrews, Fairweather and Salmond. (4)

The motion was declared carried and the Committee agreed accordingly.