

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 2 September 2008 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Bob Spink.

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 Fairweather advised that in relation to item 26, case No 08/0100, he had received a telephone call from the owner of the property in question. He had made no comment or opinion and advised that he would be taking part in the discussion and voting.
- Councillor Lumgair advised that, in relation to item 12, application No 08/00846/FUL, he was part-owner of the property in question. He advised that he would not be taking part in the discussion and voting.
- Councillor Oswald advised that, in relation to item 22, application No 08/00333/FUL and item 23, application No 08/00866/TEL, Carnoustie Community Council had objected to the applications and her husband was a member of the Community Council. She advised that she would be taking part in the discussion and voting.
- Councillor Palmer advised that, in relation to item 10, application No 08/00881/FUL, he knew the owners of the kennels owned by the objectors as he had used them some years ago; item 22, application No 08/00333/FUL, as he had been approached by various people in Carnoustie regarding the matter but had expressed no views; and item 23, application No 08/00866/TEL, as he had had previous dealings with Mr McDonald on a variety of Council related issues. He advised that he would be taking part in a discussion and voting on all items.
- All Councillors advised that, in relation to item 23, application No 08/00866/TEL, an objector, Councillor Murphy, was known to them as a member of Angus Council. They all 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 1 July](#) and [12 August 2008](#) were submitted, copies of which would be contained in Volume 87 and presented to the full Council meeting on 18 September 2008.

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

Arising from the minute of meeting of 1 July 2008, 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 a report would be submitted to the Committee meeting on 23 September 2008.

The Committee also noted that an additional meeting of the Development Standards Committee would be held on 25 September 2008 at 10.00 am in the Town and County Hall, Forfar

4. BUILDING WARRANTS

The Committee noted that during the period 4-22 August 2008 a total of 15 Amendments to Warrants and 82 Building Warrants had been approved with an estimated cost of £15,020,040.

PLANNING APPLICATIONS

5. DELEGATED APPROVALS

There was submitted [Report No 823/08](#) by the Director of Infrastructure Services detailing the applications granted by the Head of Planning and Transport in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the 49 applications determined under delegated authority during the period 5-26 August 2008.

6. NEILSTON FARM STEADING, KIRKINCH, MEIGLE

There was submitted [Report No 824/08](#) by the Director of Infrastructure Services detailing application No 08/00803/FUL by Mr & Mrs Robinson for the change of use from agricultural ground to garden ground (retrospective) at Neilston Farm Steading, Kirkinch, Meigle.

The Committee noted that the applicant had withdrawn the application.

The Committee agreed that as this matter was retrospective it be considered under the enforcement update report (See Article 26 below).

7. LAND AT ROUNDYHILL, ROUNDYHILL, KIRRIEMUIR

There was submitted [Report No 825/08](#) by the Director of Infrastructure Services detailing application No 08/00858/FUL by Mr Ian McKenna for the erection of a dwellinghouse on land at Roundyhill, by Kirriemuir. The application was recommended for refusal.

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

Councillor Lumgair, seconded by Councillor Rymer, moved that the application be refused for the reasons detailed in the Report.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR OSWALD, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE DEFERRED TO ALLOW THE APPLICANT TO SUBMIT FURTHER DETAILS ON THE LANDSCAPING PROPOSALS, AND HOW THE APPLICANT PROPOSED TO DEAL WITH THE ROAD SAFETY ISSUES ARISING FROM THE ACCESS ROAD BEING SITUATED AT A MAIN DIP IN THE ROAD.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews and Fairweather (4)

For the amendment:-

Councillors Brown, Ellis, Gaul, King, Oswald, Palmer, Salmond and Valentine (8).

The amendment was declared carried resulting in the application being deferred to allow the applicant to submit further details on the landscape proposals and the road safety concerns of the application.

8. SITE AT BIRKHILL FARM, TARRIEBANK, ARBROATH

There was submitted [Report No 826/08](#) by the Director of Infrastructure Services detailing application No 08/00944/FUL by Mr Saunderson for the erection of a dwellinghouse on a site at Birkhill Farm, Tarriebank, Arbroath.

The Committee noted that the applicant had withdrawn the application.

9. 25 JUBILEE COURT, LETHAM

There was submitted [Report No 827/08](#) by the Director of Infrastructure Services detailing application No 08/00847/FUL by Angus Council for the alterations and extension to the former Warden's House to form Health and Wellbeing Centre at 25 Jubilee Court, Letham. The application was recommended for approval.

Slides were shown.

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

10. LAND AT MAINS OF RAVENSBY, RAVENSBY, CARNOUSTIE

There was submitted [Report No 828/08](#) by the Director of Infrastructure Services detailing application No 08/00881/FUL by Mr N Hanna for the erection of a dwellinghouse and garage on land at Mains of Ravensby, Ravensby, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Shaw, an objector, and Mrs Hanna, the applicant's wife, addressed the meeting.

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

11. THE TELEPHONE EXCHANGE, FARNELL, BRECHIN

There was submitted [Report No 829/08](#) by the Director of Infrastructure Services detailing application No 08/00706/FUL by Angus Agencies (1997) Limited for the conversion of the former Telephone Exchange to a dwellinghouse and formation of a new access at the Telephone Exchange, Farnell.

The Committee noted that the applicant had withdrawn the application.

12. NETHER TULLOES FARM, CRAICHIE, FORFAR

Councillor Lumgair, having declared an interest at item 2 above, left the meeting during consideration of the following item. Councillor Rymer, took the Chair.

There was submitted [Report No 830/08](#) by the Director of Infrastructure Services detailing application No 08/00846/TEL by Mr R Lumgair for alterations and extension to an existing dwellinghouse at Nether Tulloes, Craichie, Forfar. The application was recommended for approval.

Slides were shown.

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

13. 28A PITAIRLIE ROAD, NEWBIGGING

There was submitted [Report No 831/08](#) by the Director of Infrastructure Services detailing application No 08/00989/FUL by Mr & Mrs Higgins for alterations to a dwellinghouse at 28A Pitairlie Road, Newbigging. The application was recommended for approval.

Slides were shown.

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

14. 9 SOUTH STREET, NEWTYLE

There was submitted [Report No 832/08](#) by the Director of Infrastructure Services detailing application No 08/00860/FUL by Mr Paul Jamieson for an extension to a dwellinghouse at 9 South Street, Newtyle. The application was recommended for refusal.

Slides were shown.

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

15. SITE AT EAST OF 8 MARYWELL, ARBROATH

There was submitted [Report No 833/08](#) by the Director of Infrastructure Services detailing application No 08/00652/OUT by Mr & Mrs Scrimger for the erection of a dwellinghouse on a site at the east of 8 Marywell, Arbroath. The application was recommended for refusal.

Slides were shown and Mr Dunkerley, an objector, and Mrs Scrimger, the applicant, addressed the meeting.

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

16. GARAGE, LINDSAY STREET, ARBROATH

There was submitted [Report No 836/08](#) by the Director of Infrastructure Services detailing application No 08/00946/FUL for the change of use of a former garage to a health and fitness centre for Mr & Mrs K Thain at the former Steeple Garage, Lindsay Street, Arbroath. The application was recommended for approval.

Slides were shown.

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

17. LAND AT MARYFIELD, WOODVILLE, ARBROATH

There was submitted [Report No 837/08](#) by the Director of Infrastructure Services detailing application No 06/01497/OUT by Mr S Gray for the erection of an essential worker's dwelling on land at Maryfield, Woodville, Arbroath. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved, subject to the applicant signing a Section 75 Agreement, as detailed in the Report.

18. 5 LATCH GARDENS, BRECHIN

There was submitted [Report No 838/08](#) by the Director of Infrastructure Services detailing application No 08/00877/OUT by Dr Ross Duff for the erection of a dwellinghouse and boundary fence on garden ground at 5 Latch Gardens, Brechin. The application was recommended for refusal.

Slides were shown and Dr Duff, the applicant, addressed the meeting.

The Committee agreed that the application be refused for the reasons detailed in the Report and the following amended and additional reasons for refusal:-

Amended Reason

- That the proposal is contrary to Policy H5 of the adopted Angus Local Plan 2000 and Advice Note 6 as the proposed plot size is not compatible with those in the surrounding area.

Additional Reason

- That the proposed development would create a plot considerably smaller than those in the surrounding area and as such would not respect the character of development in the surrounding area and would detract from the general amenity of the area contrary to Policy ENV5 of the adopted Angus Local Plan 2000.

19. UNTHANK NURSERIES, BRECHIN

There was submitted [Report No 839/08](#) by the Director of Infrastructure Services detailing application No 08/00918/FUL by A F Murray & Co for the erection of two residential caravans at Unthank Nurseries, Brechin.

The Committee noted that the applicant had withdrawn the application.

20. LAND ADJACENT TO MAVISBANK, SUTTIESIDE ROAD, FORFAR

There was submitted [Report No 840/08](#) by the Director of Infrastructure Services detailing application No 08/00698/OUT by Dr & Mrs Drape for the erection of a dwellinghouse on land adjacent to Mavisbank, Suttieside Road, Forfar.

The Committee noted that the applicant had withdrawn the application.

21. 35/37 RENNY CRESCENT, MONTROSE

There was submitted [Report No 841/08](#) by the Director of Infrastructure Services detailing application No 08/00458/OUT by Mr and Mrs S Smith and Mr & Mrs K Johnston for the erection of two dwellinghouses on ground at 35/37 Renny Crescent, Montrose. The application was recommended for approval.

Slides were shown.

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

At this point, the Committee agreed to adjourn for lunch and reconvene at 2pm.

22. THE AULD NICK, 126-128 HIGH STREET, CARNOUSTIE

There was submitted [Report No 843/08](#) by the Director of Infrastructure Services detailing application No 08/00333/FUL by Mrs Swankie for the demolition of the existing building and erection of six flats at the Auld Nick, 126-128 High Street, Carnoustie.

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

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

23. SITE ADJACENT TO NORTH BOUND LANE, CARLOGIE ROAD, CARNOUSTIE

There was submitted [Report No 844/08](#) by the Director of Infrastructure Services detailing application No 08/00866/TEL by Vodafone Limited for the erection of a 12 metre streetworks telecommunications structure supporting 3 No 3G antennas within GRP Shroud on a site adjacent to the North Bound Lane, Carlogie Road, Carnoustie. The application was recommended for refusal.

Slides were shown.

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

24. SITE EAST OF A930 400M SOUTH OF MUIRDRUM JUNCTION, CARLOGIE, CARNOUSTIE

There was submitted [Report No 845/08](#) by the Director of Infrastructure Services detailing application No 08/00666/OUT by Gavin Watson for the erection of a petrol station and shop at site east of the A930, 400m South of Muirdrum Junction, Carlogie, Carnoustie. The application was recommended for refusal.

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

The Committee agreed that the application be approved, subject to conditions to be submitted to a future meeting of the Committee, as there was an overriding need for a filling station on a site readily accessible to Carnoustie.

25. STRATHMORE PRIMARY SCHOOL (FORMERLY KIRKRIGGS PRIMARY SCHOOL), ST JAMES ROAD, FORFAR

There was submitted [Report No 846/08](#) by the Director of Infrastructure Services detailing application Nos 08/00404/FUL and 08/00200/LBC by Robertson Construction Eastern Limited for replacement railings to the boundary and installation of CCTV and amenity access floodlighting scheme at Strathmore Primary School, St James Road, Forfar. The applications were recommended for approval.

Slides were shown.

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

26. ENFORCEMENT UPDATE

There was submitted [Report No 847/08](#) by the Director of Infrastructure Services detailing progress on the enforcement cases agreed by the Development Standards Committee.

After hearing the Head of Planning and Transport on each case, the Committee agreed:-

- (i) to note that the site at Broomwell Gardens, Monikie had been cleared by direct action during the period 19-22 August 2008; instruct officers to apply for an interdict to avoid the situation arising again; and that updated costs be submitted to the next meeting;
- (ii) to note that some work had been carried out at 18 Caldhome Gardens, Brechin but that the occupier had failed to complete the works as required by 2 September 2008, therefore:-

COUNCILLOR KING, SECONDED BY COUNCILLOR GAUL, MOVED THAT THE MATTER BE REPORTED TO THE PROCURATOR FISCAL IMMEDIATELY.

Councillor Rymer, seconded by Councillor Fairweather, moved as an amendment, that the occupier be given another three weeks to form and complete the turning head.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Ellis, Gaul, King, Oswald, Palmer, Salmond and Valentine (8)

For the amendment:-

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

The motion was declared carried, resulting in the matter being reported to the Procurator Fiscal immediately;

- (iii) to note that a report on Brechin Road, Tayock, Montrose would be considered later on the agenda;
- (iv) to note that the applicant had until 26 September 2008 to appeal to the Court of Session regarding the refusal by Angus Council to permit the erection of smokers' shelter at 5 Park Avenue, Carnoustie; and that if after that date, the shelter had not been removed, enforcement action would commence;
- (v) to note that should the soil heap at Henderson Park, Loch of Liff Road, Liff, by Dundee not be removed by 22 September 2008, an Amenity Notice or Breach of Condition Notice would be served;
- (vi) to note the position with regard to the unauthorised placement of a caravan on a site at The Stables, Kirkton of Glenisla and that the owner had until 28 September 2008 to comply with the Enforcement Notice;
- (vii) to note the position with regard to Strathmartine Hospital and that it was intended that work would commence prior to October 2008 depending on the need, or otherwise, to obtain listed building consent;
- (viii) to note that Planning Contravention Notices had been served in respect of the unauthorised erection of advertisement signs and large hoardings at Crown Park Estates, Seaton Estate, Arbroath;
- (ix) to note that a planning application for the replacement of the roof, removal of chimney, formation of new dormers and replacement of existing rear stair at 25-27 Ladybridge Street, Arbroath would be considered by this Committee on 23 September 2008;
- (x) that the residential caravan at North Mains Croft, Kirriemuir was required to be removed by 18 January 2009;
- (xi) to note that an appeal had been submitted against refusal of advertisement consent at 242 High Street, Arbroath and to await the outcome;
- (xii) to initiate enforcement action in respect of the extension of a garden boundary area without planning consent at Neilston Farm Steading, Kirkinch, by Meigle;
- (xiii) to note that a planning application had been received in respect of the erection of a new house at Castle House, Ballinshoe following the unauthorised demolition of the original building;
- (xiv) to note that the planning application in respect of the former Drummyellow Steading, Arbroath would be submitted to Committee in due course;
- (xv) to initiate direct action in respect of unauthorised vehicles at Reswallie Mains, Forfar; and to pursue an interdict following clearance of the site; and
- (xvi) to note that a retrospective planning application was required in respect of ground work and excavation at Saughmont Covert, Skitchen, Arbroath.

27. UNAUTHORISED INFILLING OF LAND AT MONTROSE BASIN, TAYOCK, BRECHIN ROAD, MONTROSE

In accordance with Standing Order 36(2), the Committee agreed that this item be considered as exempt due to the need for legal advice to be given.

28. PLANNING APPEAL DECISION - 3 DURIEHILL ROAD, EDZELL

With reference to Article 21 of the minute of meeting of this Committee of 29 April 2008, there was submitted [Report No 849/08](#) by the Director of Infrastructure Services which detailed the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against

the refusal of Angus Council to grant consent for alterations and extension to a dwellinghouse at 3 Duriehill Road, Edzell.

The Committee noted that the appeal had been dismissed.

29. LAND AT FORGE DYKES, LOGIE, MONTROSE

With reference to Article 26 of the minute of meeting of this Committee of 12 August 2008, there was submitted [Report No 850/08](#) by the Director of Infrastructure Services which detailed the conditions and legal agreement proposed for planning application No 08/00760/OUT for the erection of a dwellinghouse at Forge Dykes, Logie, Montrose.

The Committee approved the conditions and Section 75 Agreement as detailed in the Report.

30. LAND AT CARESTON MOTORS, CARESTON, BRECHIN

With reference to Article 19 of the minute of meeting of this Committee of 12 August 2008, there was submitted [Report No 851/08](#) by the Director of Infrastructure Services detailing the conditions and legal agreement proposed for planning application No 08/00542/OUT for the erection of four dwellinghouses at Dungannon Properties, Careston Motors, Careston, Brechin.

The Committee approved the conditions and Section 75 Agreement as detailed in the Report.

31. GARDEN GROUND AT DOWER HOUSE, 8 CHURCH ROAD, LIFF

With reference to Article 8 of the minute of meeting of this Committee of 12 August 2008, there was submitted [Report No 852/08](#) by the Director of Infrastructure Services detailing the conditions and legal agreement to be entered into in respect of planning application No 07/00812/FUL for the erection of two dwellinghouses on land at Dower House, Liff.

The Committee approved the conditions and Section 75 Agreement as detailed in the Report.

32. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved in terms Standing Order 27(2) that the public and press should be excluded during consideration of the following item so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 12.

33. UNAUTHORISED INFILLING OF LAND AT MONTROSE BASIN, TAYOCK, BRECHIN ROAD, MONTROSE

There was submitted [Report No 848/08](#) by the Director of Infrastructure Services which dealt with the unauthorised dumping of waste material on land at Brechin Road, Tayock, Montrose.

The Committee agreed:-

- (i) to note the outcome of the service of Planning Contravention Notices; and
- (ii) to note the action taken since the last report to the Development Standards Committee meeting on 8 April 2008.