

ANGUS COUNCIL

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

Present: Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, COLIN BROWN, FRANK ELLIS, (from 2.00 pm onwards) DAVID FAIRWEATHER, BOB MYLES, MARK SALMOND and BOB SPINK.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Ellis for the 10.00 am meeting only.

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 19, application No 08/00721/FUL, he had received a phone call from the objector; item 23 (Enforcement Update), Case No 08/00100, he had been contacted by the owner of the property; and Case No 08/00101 he had been approached by a member of the public. He advised that he had made no comment on any of the matters and would be taking part in the discussion and voting on all items.
- Councillor Rymer declared an interest in item 23, Case No 07/00184, as a friend had an interest in the matter. He advised that he would not be taking part in the discussion and voting on the item.
- All Councillors advised that in relation to item 28, they had received an e-mail from the original owner of the ground. They all advised that they would be taking part in the discussion and voting on the matter.

3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 11 November 2008](#) was approved as a correct record and signed by the Convener.

4. BUILDING WARRANTS

The Committee noted that during the period 3-21 November 2008 a total of 13 Amendments to Warrants and 68 Building Warrants had been approved with an estimated cost of £2,250,830.

5. DELEGATED APPROVALS

There was submitted [Report No 1170/08](#) 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 46 applications determined under delegated powers during the period 4-25 November 2008.

6. 47 JOHN STREET, MONTROSE

There was submitted [Report No 1184/08](#) by the Director of Infrastructure Services detailing application No 08/01335/FUL by Mr Morrison for replacement windows at 47 John Street, Montrose.

The Committee noted that the applicant had withdrawn the application.

7. 47 BARRY ROAD, CARNOUSTIE

There was submitted [Report No 1185/08](#) by the Director of Infrastructure Services detailing application No 08/00163/FUL by Mr and Mrs B McMillan for the erection of a dwellinghouse at 40 Barry Road, Carnoustie.

The Committee noted that the applicant had withdrawn the application.

8. 202 MONTROSE STREET, BRECHIN

There was submitted [Report No 1186/08](#) by the Director of Infrastructure Services detailing application No 08/01228/FUL by A & A Gibson for the change of use from shop to four dwellinghouses at 202 Montrose Street, Brechin. The application was recommended for refusal.

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

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

9. LAND TO REAR OF 14 HIGH STREET, MONTROSE

There was submitted [Report No 1187/08](#) by the Director of Infrastructure Services detailing application No 08/00927/FUL by Vettese Properties Ltd for the erection of four flats on land at the rear of 14 High Street, Montrose. The application was recommended for refusal.

Slides were shown and Mr Coutts, the applicant's agent, addressed the meeting and circulated photographs.

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

10. LOCK-UPS, BASIN VIEW, MONTROSE

There was submitted [Report No 1188/08](#) by the Director of Infrastructure Services detailing application No 08/00926/FUL by Vettese Properties Ltd for the erection of four flats on land at Basin View, Montrose. The application was recommended for refusal.

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

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

COUNCILLOR SPINK, SECONDED BY COUNCILLOR SALMOND, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE DEFERRED TO ALLOW THE APPLICANT TO BRING FORWARD PLANS TO SHOW A BUILDING REDUCED IN SIZE AND IN KEEPING WITH THE SITE.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer and Andrews.(3)

For the amendment:-

Councillors Brown, Fairweather, Myles, Salmond and Spink (5).

The amendment was declared carried resulting in the application being deferred.

11. FALLAWS FARM, ARBIRLOT

There was submitted [Report No 1189/08](#) by the Director of Infrastructure Services detailing application No 07/01183/FUL by John Sim and Sons for the erection of an essential worker's dwellinghouse at Fallaws Farm, Arbirlot. The application was recommended for refusal.

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

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

12. 124 HIGH STREET, CARNOUSTIE

There was submitted [Report No 1190/08](#) by the Director of Infrastructure Services detailing application No 08/01002/FUL by Mrs Val Dawson for the demolition of offices and erection of two flats at 124 High Street, Carnoustie. The application was recommended for approval.

Slides were shown.

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

13. 5 BALRUDDERY MEADOWS, BALRUDDERY

There was submitted [Report No 1191/08](#) by the Director of Infrastructure Services detailing application No 08/00713/LBC by Professor P B James for alterations to the steading to create a wind and watertight storage area at 5 Balruddery Meadows, Invergowrie. The application was recommended for approval.

Slides were shown and Mr Hutton, and Mr Neilson, objectors, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR ANDREWS, MOVED THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT.

Councillor Spink, seconded by Councillor Salmond, moved as an amendment, that the application be refused as the proposed development was not in keeping with the listed building.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Andrews, Brown, Fairweather and Myles (5).

For the amendment:

Councillors Rymer, Salmond and Spink (3).

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

14. SITE AT NEWLANDHEAD, TEALING

With reference to Article 6 of the minute of meeting of this Committee of 11 November 2008, there was submitted [Report No 1192/08](#) by the Director of Infrastructure Services detailing the conditions to be attached to application No 08/01034/FUL by Mr and Mrs Black on land at Newlandhead, Tealing.

The Committee agreed to approve the conditions as detailed in the Report.

15. LAND AT GLENMARKIE RIDING CENTRE, GLENMARKIE, GLENISLA

There was submitted [Report No 1193/08](#) by the Director of Infrastructure Services detailing application No 08/00665/OUT by Mrs C Shepard for the erection of a dwellinghouse for an essential worker on land at Glenmarkie Riding Centre, Glenmarkie, Glenisla. The application was recommended for approval, subject to conclusion of a Section 75 Agreement.

Slides were shown and Ms McKewan, a solicitor acting on behalf of Mr Eadie, and Mr Debenham, objectors, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE APPLICATION BE DEFERRED FOR FURTHER INFORMATION TO BE SOUGHT FROM THE APPLICANT ON THE JUSTIFICATION FOR AN ESSENTIAL WORKER HOUSE.

Councillor Myles, seconded by Councillor Brown, moved as an amendment, that the application be approved as detailed in the Report.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, Salmond and Spink (5).

For the amendment:-

Councillors Brown, Fairweather and Myles (3).

The motion was declared carried resulting in consideration of the application being deferred.

16. THE TELEPHONE EXCHANGE, FARNELL, BRECHIN

There was submitted [Report No 1194/08](#) by the Director of Infrastructure Services detailing application No 08/01272/FUL by Angus Agencies (1997) Ltd for the conversion of telephone exchange to dwellinghouse and formation of new entrance at the Telephone Exchange, Farnell, Brechin. The application was recommended for approval.

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

17. LOCHEE COTTAGE, LILYBANK STREET, FRIOCKHEIM

With reference to Article 9 of the minute of meeting of this Committee of 11 November 2008, there was submitted [Report No 1195/08](#) by the Director of Infrastructure Services detailing the conditions to be attached to application No 08/01057/FUL by Mr and Mrs J Glass for alterations and extension to dwellinghouse at Lochee Cottage, Lilybank Street, Friockheim.

The Committee agreed to approve the conditions as detailed in the Report.

At this stage, the Committee agreed to adjourn until 2.00 pm.

Councillor Ellis entered the meeting during consideration of the following item.

18. KIRKTON FARM STEADING, CHURCH ROAD, ABERLEMNO, FORFAR

There was submitted [Report No 1196/08](#) by the Director of Infrastructure Services detailing application Nos 08/00670/FUL and 08/00671/LBC by Mr D Milne for the removal of an existing steading and formation of five dwellinghouses at Kirkton Farm Steading, Church Road, Aberlemno. The applications were recommended for refusal.

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

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE APPLICATIONS BE REFUSED FOR THE REASONS DETAILED IN THE REPORT.

Councillor Myles, seconded by Councillor Ellis, moved as an amendment, that the applications be deferred to allow clarification on listed building status.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, Brown and Fairweather (5).

For the amendment:-

Councillors Ellis, Myles, Salmond and Spink (4).

The motion was declared carried resulting in the application being refused for the reasons detailed in the Report.

19. 90-92 KEPTIE STREET, ARBROATH

There was submitted [Report No 1198/08](#) by the Director of Infrastructure Services detailing application No 08/00721/FUL by Ashley Holden for the change of use from a sandwich shop to a hot food takeaway at 90-92 Keptie Street, Arbroath. The application was recommended for refusal.

Slides were shown and Ms Holden, the applicant, addressed the meeting.

The Committee agreed that, by restricting the hours of operation (Monday-Friday, 9.00 am - 2 00 pm) and with the provision of ventilation equipment to the satisfaction of the Head of Environmental and Consumer Protection, there would be a reduced adverse impact on neighbouring properties and was a material consideration which justified departure from the Local Plan policy and, therefore, the application be approved subject to conditions, to be approved by the Head of Planning and Transport.

20. INVERPARK HOTEL, ARBROATH

There was submitted [Report No 1199/08](#) by the Director of Infrastructure Services detailing application No 08/01087/FUL by Mr and Mrs Rase for the erection of 12 flats at the site of the Inverpark Hotel, Bank Street, Arbroath. The application was recommended for approval, subject to a Section 75 Agreement.

Slides were shown.

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

21. 54 DUNDEE STREET, CARNOUSTIE

With reference to Article 10 of the minute of meeting of this Committee of 11 November 2008, there was submitted [Report No 1200/08](#) by the Director of Infrastructure Services detailing conditions to be attached to application No 08/01177/OUT by Antonia McNicoll for the demolition of existing building and outline erection of a housing development at 54 Dundee Street, Carnoustie.

The Committee agreed to approve the conditions as detailed in the Report.

22. LIFF COACH HOUSE, CHURCH ROAD, LIFF

With reference to Article 13 of the minute of meeting of this Committee of 11 November 2008, there was submitted [Report No 1201/08](#) by the Director of Infrastructure Services detailing the conditions to be attached to application No 08/00492/FUL by Professor T MacDonald for alterations and extension to coach house, stables and steading to form a dwellinghouse at Liff Coach House, Church Road, Liff.

The Committee agreed to approve the conditions as detailed in the Report.

23. ENFORCEMENT UPDATE

Having declared an interest at Article 2 above Councillor Rymer left the meeting for case No 07/00154 (item (iv)).

There was submitted [Report No 1202/08](#) by the Director of Infrastructure Services updating members on the progress of enforcement cases by the Planning and Transport service which had been 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 Head of Law and Administration had attended Court on 1 December 2008 regarding the costs associated with the first direct action involving clearance of the garden ground at 1 Broomwell Gardens, and that a Hearing Date had been set for February 2009;

- (ii) to note that the Head of Environmental and Consumer Protection had been requested to undertake ground investigation works and that the Head of Law and Administration was undertaking research on land ownership, at Brechin Road, Tayock, Montrose;
- (iii) to note that, in respect of the unauthorised erection of a smokers' shelter at 5 Park Avenue, Carnoustie, the matter was now in the process of being reported to the Procurator Fiscal;
- (iv) to note that the soil heap at Henderson Park, Loch of Liff Road, Liff had now been removed and the area was still required to be grassed; and that a letter had been sent to the owner requesting this work to be carried out to achieve compliance with the amenity notice;
- (v) to note that the residential caravan on an unauthorised site at The Stables, Kirkton of Glenisla was now in the process of being reported to the Procurator Fiscal
- (vi) to note no further progress in respect of Strathmartine Hospital;
- (vii) to note that, due to a technicality, the Enforcement Notices had had to be withdrawn and re-served, in respect of the unauthorised erection of advertising signs and large hoardings at Crown Park Estates, Seaton Estate, Arbroath;
- (viii) to note that the residential caravan at North Mains Croft, Kirriemuir would be removed by 18 January 2009;
- (ix) to note that a Planning Contravention Notice was in the process of being prepared in respect of the unauthorised advertisement and alterations to a shop front in a conservation area at 242 High Street, Arbroath;
- (x) to note that an Enforcement Notice had been served on 3 November 2008 with two months being given to return the land to its previous use in respect of the garden boundary area which had been extended without planning permission at Nielson Farm Steading, Kirkinch, by Meigle;
- (xi) to note that a planning application had been received in respect of the erection of a new house at Castle House, Balinshoe, following the unauthorised demolition of the original building;
- (xii) to await submission of a new planning application for consideration in respect of land at the former Drummyellow Steading, Arbroath;
- (xiii) with regard to the Steadings, Reswallie Mains, Forfar, to hear Councillor Nield on the matter.

Councillor Nield advised that he had been contacted by the owner of the property on this matter and sought some clarification regarding the complaints which had been made.

AFTER DETAILED DISCUSSION, COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR ELLIS, MOVED THAT THE COUNCIL CONTINUE TO PURSUE DIRECT ACTION IN RESPECT OF THE UNAUTHORISED VEHICLES AT THE SITE.

Councillor Fairweather, seconded by Councillor Myles, moved as an amendment, that the direct action be deferred until the outcome of the applicant's new planning application was known.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Brown, Ellis, Salmond and Spink (6).

For the amendment:-

Councillors Andrews, Fairweather and Myles (3).

The motion was declared carried resulting in direct action continuing in order to achieve the original outcome of a reduction in the cars held at the site.

- (xiv) to note that in respect of ground work and excavation being carried out without planning permission at Saughmont Covert, Skichen, Arbroath, the matter was in the process of being reported to the Procurator Fiscal;
- (xv) to await further information by the applicant in respect of building construction which had been carried out at Carlogie Hotel, Carnoustie; and
- (xvi) to note that further information had been sought from the developer in respect of arrangements for putting in place a management agent/factor to look after the amenity ground at Campbell Crescent, Arbroath.

24. MOUNTBOY AND MONTREATHMONT PUBLIC LOCAL INQUIRY

With reference to Article 7 of the minute of meeting of this Committee of 25 September 2008, there was submitted [Report No 1203/08](#) by the Director of Infrastructure Services which provided an update on preparation of the Council's case in relation to the Montreathmont Moor session of the Mountboy and Montreathmont Moor Public Local Inquiry. The Report indicated that further information had been submitted by the appellants on ornithological matters; that Scottish Natural Heritage had subsequently withdrawn its objection on these grounds; and that the Council should review and amend its position accordingly.

The Committee agreed:-

- (i) to note that Scottish Natural Heritage had now withdrawn its objection to the Montreathmont Moor windfarm proposal in relation to adverse impacts on the conservation interests associated with Montrose Basin Special Protection Area;
- (ii) that, having taken account of the revised advice from Scottish Natural Heritage, the Council would not maintain its objection to the proposed windfarm development at Montreathmont Moor, on the basis of possible adverse impacts on Montrose Basin Special Protection Area; and
- (iii) that, notwithstanding the removal of the objection regarding potential impact on Montrose Basin Special Protection Area, the Council would have refused planning permission for the development for the remaining reasons identified in Section 2.1 of Report No 1203/08.

25. 2009/2010 REVENUE BUDGET

With reference to Article 5 of the minute of meeting of the Infrastructure Services Committee of 25 November 2008, there was submitted [Report No 1114/08](#) by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Infrastructure Services Departmental 2009/2010 Revenue Budget and associated issues. Appended to the Report was a summary of the Departmental Provisional Base Budget for 2009/2010 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report at this stage in the budget process; and
- (ii) to note that more detailed Reports with specific recommendations, would be brought forward later in the Revenue Budget cycle.

26. 2008/2012 FINANCIAL PLAN AND 2009/2010 CAPITAL BUDGET

With reference to Article 4 of the minute of meeting of the Infrastructure Services Committee of 25 November 2008, there was submitted [Report No 1109/08](#) by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2008/2012 Financial Plan, incorporating the 2009/2010 Capital Budget, for the Infrastructure Services Department. Appended to the Report was the Departmental Financial Plan submission for 2008/2012 as returned to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report at this stage in the Financial Plan process; and
- (ii) to note that more detailed reports with specific recommendations would be brought forward later in the Financial Plan cycle.

27. EXCLUSION OF PUBLIC AND PRESS

With reference to Article 29(ii) of the minute of meeting of this Committee of 21 October 2008, the Committee resolved, in terms of Standing Order 27(2) that the public and press be excluded during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 8 and 11.

Councillor Ellis requested that his dissent be recorded from the foregoing decision.

28. ENFORCEMENT CASE: COSTS INCURRED TO ANGUS COUNCIL PROPERTY AT: 18 CALDHAME GARDENS, BRECHIN

There was submitted [Report No 1204/08](#) by the Director of Infrastructure Services which detailed an estimate of the costs incurred to Angus Council for pursuing an enforcement case at 18 Caldhame Gardens, Brechin. The case involved the breach of Condition No 11 requiring the provision of the turning head imposed in the grant of planning permission (application No 05/00478/FUL) for the erection of a dwellinghouse on Plot 1 for Stilton Developments at 18 Caldhame Gardens, Brechin.

The Committee agreed to note the contents of the Report.