

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 10 June 2008 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Provost Ruth Leslie Melville MBE and Councillor Mark Salmond.

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

In terms of the Council's Good Practice Guidelines, the following undernoted intimations of contact were made:-

- Councillor Palmer intimated that in relation to item 11, application No 07/01679/TEL, he had been approached by an objector, however, he had expressed no views. He advised that he would be taking part in the discussion and voting.
- Councillor Oswald, and most other members of the Committee, declared that they knew the applicant in relation to item 10, in his capacity as a former member employee of the Council. All indicated that they would be taking part in the discussion and voting on the application.

3. BUILDING WARRANTS

The Committee noted that during the period 12-30 May 2008 a total of 2 Demolition Warrants, 3 Staged Warrants, 15 Amendments to Warrants and 55 Building Warrants had been approved with an estimated cost of £4,071,855.

4. SUMMER RECESS MEETING

The Committee agreed that an additional meeting of the Committee be held during the summer recess on Tuesday 1 July 2008 at 10.00 am in the Town and County Hall, Forfar.

PLANNING APPLICATIONS

Prior to considering the planning applications on the agenda for this meeting, Councillors Gaul and Ellis asked the following questions:-

- With reference to Article 24 of the minute of meeting of this Committee, Councillor Gaul asked when the Director of Infrastructure Services would report on the applicants' views 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 said that the applicants had been contacted but a response was still awaited.
- Councillor Ellis asked about a possible embargo on development within the Sidlaw area as a result of pressure on school capacities. The Head of Planning and Transport said there was no formal policy in place and that each application was considered on its planning merits. However, discussions between officers from both Education and Infrastructure Services were continuing with a view to preparing a Committee report on how best to address a range of situations similar to those currently being experienced in the Liff area.

5. DELEGATED APPROVALS

There was submitted [Report No 583/08](#) 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 77 applications determined under delegated powers during the period 13 May - 3 June 2008.

6. SITE 10A BADEN POWELL ROAD, ARBROATH

There was submitted [Report No 584/08](#) by the Director of Infrastructure Services detailing application No 08/00349/FUL by Mr George Ramsay for the erection of a boundary fence on a site at 10A Baden Powell Road, Arbroath. The application was recommended for approval.

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

7. LAND ADJACENT TO 16 TO 18 ABBEY STREET, ARBROATH

There was submitted [Report No 585/08](#) by the Director of Infrastructure Services detailing application No 08/00185/FUL by Mr D Reid for the formation of four flats on land adjacent to 16 to 18 Abbey Street, Arbroath. The application was recommended for approval.

Slides were shown.

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

8. MAISONDIEU PRIMARY SCHOOL, ST ANDREW STREET, BRECHIN

There was submitted [Report No 586/08](#) by the Director of Infrastructure Services detailing application No 08/00484/FUL and 08/00485/LBC by Angus Council (Education Department) for alterations and extension to the Primary School at Maisondieu Primary School, St Andrews Street, Brechin. The application was recommended for approval.

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

9. LAND AT 2 BURNSIDE STREET, CARNOUSTIE

There was submitted [Report No 587/08](#) by the Director of Infrastructure Services detailing application No 08/00024/FUL by the Firm of Sea Shell for the erection of seven flats on land at 2 Burnside Street, Carnoustie. 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 PALMER, SECONDED BY COUNCILLOR OSWALD, MOVED AS AN AMENDMENT THAT THE APPLICATION BE APPROVED SUBJECT TO CONDITIONS, AS THE APPLICATION WOULD NOT HAVE A DETRIMENTAL IMPACT ON THE SURROUNDING PROPERTIES.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors Brown, Ellis, King, Oswald, Palmer and Valentine (6).

The amendment was declared carried, resulting in the application being approved, subject to conditions to be reported to the next appropriate meeting.

10. 7 WATERSIDE VIEW, CARNOUSTIE

There was submitted [Report No 588/08](#) by the Director of Infrastructure Services detailing application No 08/00473/FUL by Mr B Cargill for an extension to a dwellinghouse at 7 Waterside View, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Dagen, an objector's representative and Mr Cargill, the applicant, addressed the meeting. Mr Cargill circulated photographs.

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

11. LAND AT CHURCH STREET, CARNOUSTIE

There was submitted [Report No 589/08](#) by the Director of Infrastructure Services detailing application No 07/1679/TEL by Orange PCS Ltd for the erection of an 11.79 metre monopole and antenna with associated equipment on land at Church Street, Carnoustie. The application was recommended for approval.

Slides were shown and Mrs Byars, an objector, addressed the meeting.

The Committee agreed that the application be refused for the following reasons:-

- (i) the siting of the proposed mast on the main entrance to Carnoustie would have an adverse impact on the character and amenity of the surrounding area and was therefore contrary to Policy ENV5 of the adopted Angus Local Plan 2000; and
- (ii) the applicant had failed to demonstrate that there were no more satisfactory alternative sites available or reasonable prospect of sharing existing facilities and was therefore contrary to Policy TRA19 of the adopted Angus Local Plan 2000.

12. MILLER KARTING, UNIT 4, BROOMFIELD INDUSTRIAL ESTATE, MONTROSE

There was submitted [Report No 591/08](#) by the Director of Infrastructure Services detailing application No 08/00535/FUL by Angus Council for the change of use from Indoor Karting Centre to Use Classes 4, 5 and 6 (Business/General Industrial/Storage) at Unit 4, Broomfield Industrial Estate, Montrose. The application was recommended for approval.

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

13. GAGIE HOME FARM STEADING, GAGIE, TEALING

There was submitted [Report No 592/08](#) by the Director of Infrastructure Services detailing application No 07/01305/FUL by Angela Fraser and Colin Robbie for the erection of a waste transfer station at Gagie Home Farm, Tealing. The application was recommended for approval.

Slides were shown.

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

14. PAWS FOR THOUGHT, ROUNDYHILL, GLAMIS

There was submitted [Report No 593/08](#) by the Director of Infrastructure Services detailing application No 08/00425/OUT by Mrs R Mitchell, for the erection of a dwellinghouse on land at Paws for Thought, Roundyhill, Glamis.

The Committee noted that the applicant had withdrawn the application.

15. GARDEN GROUND AT GRIEVES COTTAGE, LOCH OF LIFF ROAD, LIFF

There was submitted [Report No 594/08](#) by the Director of Infrastructure Services detailing application No 08/00010/FUL by Mr and Mrs Hamilton for the formation of a cattery at Grieves Cottage, Loch of Liff Road, Liff.

The Committee noted that the applicant had withdrawn the application.

16. SITE ADJACENT TO CRAIGEND FARMHOUSE, CRAIGTON, MONIKIE

There was submitted [Report No 595/08](#) by the Director of Infrastructure Services detailing application No 08/00476/OUT by O'Reilly Tierney Partnership for the erection of a dwellinghouse on a site adjacent to Craigend Farmhouse, Craigton, Monikie. The application was recommended for refusal.

Slides were shown.

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

17. FIRTHFIELD COTTAGE, WOODVILLE, ARBROATH

There was submitted [Report No 596/08](#) by the Director of Infrastructure Services detailing application No 08/00400/OUT by Mr and Mrs W R Hardy for the erection of a dwellinghouse at Firthfield Cottage, Woodville, Arbroath. The application was recommended for refusal.

Slides were shown and Ms Fox, the applicant's agent, addressed the meeting.

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

18. 33B TEALING HOLDING, TEALING

There was submitted [Report No 597/08](#) by the Director of Infrastructure Services detailing application No 08/00544/FUL by Mr P Barclay for the formation of a dormer extension with balcony at Cairnview, 33B The Holdings, Tealing. The application was recommended for approval.

Slides were shown.

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

19. 3A WATSON STREET. LETHAM

There was submitted [Report No 598/08](#) by the Director of Infrastructure Services detailing application No 08/00523/FUL by Mr and Mrs Soutar for the erection of a store at 3A Watson Street, Letham. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved, as detailed in the Report, subject to the following additional condition:-

5. That prior to commencement of development the existing temporary vehicular access to East Blairs Road shall be permanently closed off in accordance with details which shall be submitted to and approved in writing by the Planning Authority. Thereafter no vehicular access shall be formed between the site and East Blairs Road.

Reason: In the interest of road traffic safety as the existing temporary access is from an unadopted road which is unsuitable for additional traffic.

20. COLLISTON INN, COLLISTON, ARBROATH

There was submitted [Report No 599/08](#) by the Director of Infrastructure Services detailing application No 06/01630/FUL by G & W Scott for the extension to the existing function suite at Colliston Inn, Colliston, Arbroath. The application was recommended for approval.

Slides were shown and Mr Soper, and Mr McGeachin, objectors, addressed the meeting.

Councillor Lumgair, seconded by Councillor Rymer, moved that the application be approved as detailed in the Report.

COUNCILLOR SPINK, SECONDED BY COUNCILLOR PALMER, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED AS THE PROPOSED DEVELOPMENT WOULD HAVE A DETRIMENTAL IMPACT ON THE CHARACTER AND AMENITY OF THE AREA AND WAS THEREFORE CONTRARY TO POLICY ENV5 OF THE ADOPTED ANGUS LOCAL PLAN 2000.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, Brown, King (5).

For the amendment:-

Councillors Ellis, Gaul, Oswald, Palmer, Spink and Valentine (6).

The amendment was declared carried resulting in the application being refused for the reasons detailed above.

21. THE NOOK, 1 BROOMWELL GARDENS, MONIKIE

With reference to Article 31(2) of the minute of meeting of this Committee of 20 May 2008, there was submitted [Report No 601/08](#) by the Director of Infrastructure Services which advised the Committee that the owner/occupier of The Nook, 1 Broomwell Gardens, Monikie was in breach of the Amenity Notice served in terms of Section 169 of the Town and County Planning (Scotland) Act 1997.

Slides were shown and Mr Clancy, the owner/occupier's representative, addressed the meeting.

The Committee agreed:-

- (i) that direct action be instigated to ensure compliance with the terms of the Amenity Notice;
- (ii) that all the Council's costs be recharged to the owner/occupier in respect of the above; and
- (iii) the Director of Infrastructure Services, in consultation with the Head of Law and Administration investigate, and if appropriate pursue, the issue of an Interdict to prevent the owner/occupier storing materials or items within the curtilage of the property on completion of the authorised direction action.

At this point, the Committee agreed, in accordance with Standing Order 20(8), that the meeting proceed beyond the three hour limit to conclusion.

22. ENFORCEMENT UPDATE

There was submitted [Report No 602/08](#) 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.

The Committee agreed:-

- (i) with reference to Article 36 of the minute of meeting of this Committee of 20 May 2008, and after hearing Ms Fox, adviser to J & S Properties, and Mr Leslie Melville, to await completion of the turning head at Cadhame Gardens, Brechin by 1 July 2008; and
- (ii) to note the current position with regard to all other enforcement cases detailed in the Report.