

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 11 November 2008 at 10.00 am.

Present: Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, COLIN BROWN, FRANK ELLIS, DAVID FAIRWEATHER, BOB MYLES, MARK SALMOND, and BOB SPINK.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

There were no apologies intimated.

The Convener advised that the Committee would break at 10.45 am to allow members to take part in the Armistice Day Parade at 11.00 am.

The Convener referred to an e-mail all members had received from Mr J Ritchie in respect of Caldham Gardens, Brechin. He ruled that there would be no further discussion on this matter and that the only outstanding issue in respect of 16 Caldham Gardens was the submission of a report detailing the Council's costs associated with enforcement, which would be considered in due course.

The Convener also welcomed Councillor Myles to his first meeting as a member of the Development Standards Committee.

In relation to the decision taken by Angus Council at the meeting on 6 November 2008, Councillor Spink raised a question in relation to Standing Order 31 and the requirement for each ward to be represented on the Committee. He said that this had resulted in a number of experienced Councillors not being appointed to the Development Standards Committee. Councillor Ellis also expressed dismay at the decisions taken by the Council on 6 November.

After hearing from the Head of Law and Administration, Councillor Spink urged all Councillors to meet as soon as possible to try and resolve these matters.

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 Andrews advised that in relation to item 14, application No 08/00900/PRIORN, she had been contacted by telephone by an objector. She advised that she would be taking part in the discussion and voting.
- Councillor Ellis advised that in relation to item 6, application No 08/01034/FUL, he had been contacted by the landowner seeking a copy of the Bothy Closure Order and had advised the applicant to contact the Director of Neighbourhood Services on the matter. He also had had previous contact with the applicant. He advised that he would be taking part in the discussion and voting.
- Councillor Fairweather advised that in relation to item 27 (Enforcement Update), case no 08/00100, he had been contacted by the owner of the property. He had advised that he could not reply to the query and intimated that he would be taking part in the discussion and voting.
- Councillor Rymer declared an interest in item 8, application No 08/01001/OUT, and item 17, application No 08/01206/OUT, as he knew one of the objectors to both applications; and item 22, application No 08/01164/FUL as this matter had been discussed at a previous Council Committee. He advised that he would be taking part in the discussion and voting; he also declared an interest in item 27, case no 07/00184, as a friend had an interest in the matter, and advised that he would not be taking part in the discussion and voting on that item.

- Councillor Salmond intimated in relation to item 22, application No 08/01164/FUL, that he was an alternate Director of Montrose Golf Links Ltd and had played no part in the objection submitted. He advised that he would be taking part in the discussion and voting.
- Councillor Spink intimated in relation to item 9, application No 08/01057/FUL, that he had been contacted by the applicant and had given procedural advice only. He advised that he would be taking part in the discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 21 October 2008](#) was approved as a correct record and signed by the Convener.

4. BUILDING WARRANTS

The Committee noted that during the period 13-31 October 2008 a total of one Demolition Warrant, 9 Amendments to Warrants and 42 Building Warrants had been approved with an estimated cost of £1,315,139.

5. DELEGATED APPROVALS

There was submitted [Report No 1097/08](#) 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 57 applications determined under delegated powers during the period 14 October - 4 November 2008.

In accordance with Standing Order 36(2), the Committee agreed that, the order of business be varied from that published.

6. SITE AT NEULANDHEAD, TEALING

There was submitted [Report No 1106/08](#) by the Director of Infrastructure Services detailing application No 08/01034/FUL by Mr and Mrs Black for permission to reinstate a bothy house (derelict) to habitable house on land at Neulandhead, Tealing. The application was recommended for refusal.

Slides were shown and Mr Wilson, the applicant, addressed the meeting.

The Committee agreed to approve the application as there were material considerations to allow departure from the Local Plan, subject to conditions to be submitted at the next meeting.

At 10:45am, the Committee agreed to adjourn for 30 minutes in order to allow members to participate in the Armistice Day parade.

Councillor Myles left the meeting at this stage.

7. LAND ADJACENT TO 26 CAMPBELL CRESCENT, ARBROATH

There was submitted [Report No 1098/08](#) by the Director of Infrastructure Services detailing application No 08/00719/FUL by Mr and Mrs K Milne for the change of use from open space to garden ground at 26 Campbell Crescent, Arbroath. The application was recommended for refusal.

Slides were shown.

The Committee agreed:-

- (i) that the application be refused for the reasons detailed in the Report
- (ii) and that the maintenance of this ground be placed on the Enforcement Update Report; and

(iii) that the developer be pursued in regard to the condition of the ground.

8. LAND AT FORMER STEADING, RENMURE, BY INVERKEILOR

There was submitted [Report No 1099/08](#) by the Director of Infrastructure Services detailing application No 08/01001/OUT by Kingsmuir Homes Ltd for the erection of a dwellinghouse on land adjacent to the former steading at Renmure, by Inverkeilor. The application was recommended for refusal.

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

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

9. LOCHEE COTTAGE, LILYBANK STREET, FRIOCKHEIM

There was submitted [Report No 1100/08](#) by the Director of Infrastructure Services detailing application No 08/01057/FUL by Mr and Mrs J Glass for a dormer extension to dwellinghouse at Lochee Cottage, Lilybank Street, Friockheim. The application was recommended for refusal.

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

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

COUNCILLOR SPINK, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED AS AN AMENDMENT THAT THE APPLICATION BE APPROVED AS THE PROPOSAL, BY VIRTUE OF ITS DESIGN, WOULD NOT CONSTITUTE OVER DEVELOPMENT OF THE DWELLING, AND WOULD NOT BE INCONGRUOUS AND AN INTRUSIVE ELEMENT DETRIMENTAL TO NEIGHBOURING PROPERTIES; AND THAT, IF APPROVED, THE APPLICATION BE SUBJECT TO CONDITIONS TO BE SUBMITTED TO THE NEXT AVAILABLE MEETING.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer and Andrews (3).

For the amendment:-

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

The amendment was declared carried resulting in the application being approved, subject to conditions to be considered at a future meeting.

10. 54 DUNDEE STREET, CARNOUSTIE

There was submitted [Report No 1101/08](#) by the Director of Infrastructure Services detailing application No 08/01177/OUT by Antonia McNicoll for the demolition of an existing building and outline erection of a housing development at 54 Dundee 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 Andrews, moved that the application be refused for the reasons detailed in the Report.

COUNCILLOR ELLIS, SECONDED BY COUNCILLOR RYMER, MOVED AS AN AMENDMENT THAT THE APPLICATION FOR THE DEMOLITION OF THE BUILDING AND OUTLINE CONSENT FOR ONE HOUSE ONLY BE APPROVED SUBJECT TO CONDITIONS, ONE OF WHICH SHOULD PROVIDE FOR THE RETENTION OF THE TREES.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Andrews and Fairweather (3).

For the amendment:-

Councillors Rymer, Brown, Ellis, Salmond and Spink (5).

The amendment was declared carried resulting in the application being approved subject to conditions being submitted to the next available meeting.

11. SITE AT LOCHSIDE OF BALGAVIES, FORFAR

There was submitted [Report No 1102/08](#) by the Director of Infrastructure Services detailing application No 08/01223/OUT by Mr and Mrs I McLaren for the erection of a dwellinghouse at Lochside of Balgavies, Forfar. The application was recommended for refusal.

Slides were shown and Mr McLaren, the applicant, addressed the meeting and circulated photographs.

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

12. 4 MUIR PLACE, FORFAR

There was submitted [Report No 1103/08](#) by the Director of Infrastructure Services detailing application No 08/01225/FUL by Mr R Todd for the extension to a dwellinghouse at 4 Muir Place, Forfar. The application was recommended for refusal.

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

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

At this point, 12.50 pm, in accordance with Standing Order 20(8), the Committee agreed that the meeting proceed beyond the three hour limit to the conclusion of the following item.

13. LIFF COACH HOUSE, CHURCH ROAD, LIFF

There was submitted [Report No 1105/08](#) by the Director of Infrastructure Services detailing applications No 08/00492/FUL and No 08/00493/LBC by Professor T Macdonald for the alterations and extension to the existing coach house, stables and steading to form a dwellinghouse at Liff Coach House, Church Road, Liff. Application No 08/00492/FUL was recommended for refusal and 08/00493/LBC was recommended for approval.

Slides were shown and Professor Macdonald, the applicant, addressed the meeting.

The Committee agreed that application No 08/00492/FUL be approved as incapacity at Liff Primary School was not sufficient reason to refuse the application, and application No 08/00493/LBC be approved as detailed in the Report.

The Committee unanimously agreed that conditions for application No 08/000492/FUL be submitted to the next available meeting and that no contribution towards schooling at Liff was necessary on this occasion.

At this stage, 1.20 pm, the Committee agreed to adjourn until 2.00 pm.

Councillor Ellis left the meeting at this stage.

14. GROUND AT BRECHIN ROAD, KIRRIEMUIR

There was submitted [Report No 1104/08](#) by the Director of Infrastructure Services detailing application No 08/00900/PRIORN by Mr Robin Guild for the erection of an agricultural building on ground at Brechin Road, Kirriemuir. The application was recommended for approval.

Slides were shown and Mrs Horrocks, an objector and Mr Fraser, the applicant's agent, addressed the meeting.

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

15. 68 ST ABBS ROAD, ARBROATH

There was submitted [Report No 1107/08](#) by the Director of Infrastructure Services detailing application No 08/00723/FUL by Ms Caird-Stirling for alterations to the ground floor flat at 68 St Abbs Road, Arbroath. The application was recommended for approval.

Slides were shown.

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

16. 40 BANK STREET, KIRRIEMUIR

There was submitted [Report No 1110/08](#) by the Director of Infrastructure Services detailing application No 08/01042/FUL and application No 08/01049/LBC by Miss K Phillip for the erection of gates at 40 Bank Street, Kirriemuir. The applications were recommended for approval.

Slides were shown.

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

17. LAND AT FORMER CATTERY AND KENNELS, ROUNDYHILL, KIRRIEMUIR (MUIRTON OF DRUMSHADE)

There was submitted [Report No 1111/08](#) by the Director of Infrastructure Services detailing application No 08/01206/OUT by Mrs R Mitchell for the erection of a dwellinghouse on land at the former cattery and kennels, Muirton of Drumshade, Roundyhill. The application was recommended for approval.

Slides were shown.

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

18. LAND AT FORMER CATTERY AND KENNELS, ROUNDYHILL, KIRRIEMUIR (MUIRTON OF DRUMSHADE)

There was submitted [Report No 1112/08](#) by the Director of Infrastructure Services detailing application No 08/01207/FUL by Mrs R Mitchell for the erection of a dwellinghouse on land at the former cattery and kennels, Muirton of Drumshade, Roundyhill. The application was recommended for approval.

Slides were shown.

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

19. CRAIGLEA, NEWBIGGING, TEALING

There was submitted [Report No 1113/08](#) by the Director of Infrastructure Services detailing application No 08/01076/FUL by Mr Ron Mullady for the erection of a double garage and extension to boundary wall on land at Meall Garbh, Newbigging, by Tealing. The application was recommended for approval.

Slides were shown and Mr Mullady, the applicant, addressed the meeting.

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

20. LAND ADJACENT TO C61 BETWEEN EAST HAVEN AND CARNOUSTIE

There was submitted [Report No 1115/08](#) by the Director of Infrastructure Services detailing application No 08/01161/FUL by Angus Council for the formation of a footway/cycleway

between East Haven and Carnoustie on land adjacent to the C61. The application was recommended for approval.

Slides were shown and Councillor Oswald, a local member, and Mr McConnell, an objector, addressed the meeting.

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

21. PLOT 12-15 WEST ROAD, BRECHIN WEST BUSINESS PARK, BRECHIN

There was submitted [Report No 1116/08](#) by the Director of Infrastructure Services detailing application No 08/01129/FUL by Angus Dundee Distillers plc for the erection of a steel framed storage warehouses at Plot 12-15 Brechin West Business Park, Brechin. The application was recommended for approval.

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

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

22. ASHIE CAR PARK, TRAILL DRIVE, MONTROSE

There was submitted [Report No 1117/08](#) by the Director of Infrastructure Services detailing application No 08/01164/FUL by Angus Council for the development of a concrete skate park with related lighting, mounding, landscaping and street furniture at Ashie Car Park, Traill Drive, Montrose. The application was recommended for approval.

Slides were shown.

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

23. PLOTS 3 AND 4 INDUSTRIAL ESTATE EXTENSION, BRENT AVENUE, MONTROSE

There was submitted [Report No 1118/08](#) by the Director of Infrastructure Services detailing application No 08/00966/FUL by Taylors Auction Rooms for the erection of auction rooms and office accommodation at Plots 3 and 4 Brent Avenue, Montrose. The application was recommended for approval.

Slides were shown.

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

24. LAND AT THE FIDDLERS, MONIKIE

There was submitted [Report No 1119/08](#) by the Director of Infrastructure Services detailing application No 08/00742/FUL by S Donaldson for the erection of two detached dwellinghouses on the site at the Fiddlers Arms, Monikie. The application was recommended for approval.

Slides were shown and Councillor Oswald, a local member and Mrs Dorman addressed the meeting.

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

25. PITAIRLIE QUARRY, NEWBIGGING

There was submitted [Report No 1120/08](#) by the Director of Infrastructure Services detailing application No 08/00401/MIN for Charles Binnie Ltd for an extension to a working area at existing stone processing facility at Pitairlie Quarry, Newbigging. The application was recommended for approval.

Slides were shown and Councillor Oswald, a local member and Mrs Dorman addressed the meeting.

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

26. 21-23 THISTLE STREET, CARNOUSTIE

There was submitted [Report No 1121/08](#) by the Director of Infrastructure Services detailing application No 08/01191/FUL by Scotia Homes (South) Ltd for the erection of 20 flats and the conversion of an office to a single dwellinghouse at 21-23 Thistle Street, Carnoustie. The application was recommended for approval, subject to all relevant parties signing a Section 75 Agreement relating to the provision of affordable housing.

Slides were shown.

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

27. ENFORCEMENT UPDATE

Councillor Rymer left for case No 07/00154 having declared an interest at Article 2 above.

There was submitted [Report No 1122/08](#) 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 noted the position.

28. LAND AT CARLOGIE HOTEL, CARNOUSTIE

There was submitted [Report No 1123/08](#) by the Director of Infrastructure Services which detailed the circumstances relative to a recommendation not to take enforcement action in respect of the change of house type on land at Carlogie Hotel, Carnoustie.

Slides were shown and Mr Vickers, an objector, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR SPINK, MOVED THAT THE MATTER BE DEFERRED TO ALLOW THE OWNER OF THE PROPERTY TO SUBMIT A PLANNING APPLICATION OR TO COME TO THE COMMITTEE TO ADDRESS THE MATTER.

Councillor Rymer, seconded by Councillor Andrews, moved as an amendment that the matter be determined as detailed in the Report.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Fairweather, Salmond and Spink (4)

For the amendment:-

Councillors Rymer, Andrews and Brown (3)

The motion was declared carried resulting in the matter being deferred.

29. PLANNING APPEAL DECISIONS**(a) Garden Ground at 11 Highfield Place, Birkhill**

With reference to Article 15 of the minute of meeting of this Committee of 14 August 2007, there was submitted [Report No 1125/08](#) 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 the outline erection of a dwellinghouse and garage in garden ground at 11 Highfield Place, Birkhill.

The Committee noted that the appeal had been dismissed.

(b) 28 West Path, Carnoustie

With reference to Article 7 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 1126/08](#) 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 the erection of two dwellinghouses at 28 West Path, Carnoustie.

The Committee noted that the appeal had been dismissed.

30. PLANNING ENFORCEMENT CHARTER

There was submitted [Report No 1127/08](#) by the Director of Infrastructure Services which detailed the background to the renaming of the Development Control Charter as the "Development Management Charter".

The Report indicated that the Planning Enforcement Charter had been prepared a number of years ago and was one of the first Customer Care Charters to be introduced by the then Planning and Transport Department. Angus Council was one of the first planning authorities in Scotland to prepare an Enforcement Charter and it was not until 1 April 2007 that the appropriate section of the Planning Etc (Scotland) Act 2006 was enacted requiring planning authorities to publish such a Charter.

The opportunity has now been taken to update the Enforcement Charter, taking into account Government advice and the findings of the Development Standards Short Life Working Group.

The Committee agreed to note the updated Planning Enforcement Charter, as detailed in the Report.

31. DEVELOPMENT MANAGEMENT AND BUILDING STANDARDS CUSTOMER SATISFACTION

With reference to Article 31 of the minute of meeting of this Committee of 8 January 2008, there was submitted [Report No 1128/08](#) by the Director of Infrastructure Services which detailed the level of customer satisfaction in respect of the Development Management and Building Standards Services for the period 1 April to 30 September 2008.

In respect of Building Standards, 121 responses had been received of which 93% had indicated a level of overall satisfaction of fairly satisfied or very satisfied. In response to individual questions, 65% of respondents had considered that they had been given the advice and help they needed to submit their application. 74% considered that any queries had been dealt with promptly and 52% of respondents had found the procedures associated with their application easy to understand.

In respect of Development Management, 87 responses had been received, of which 79.3% were either fairly satisfied or very satisfied. This could be broken down by category, with 95% of applicants, 71.4% of agents and 81.8% of third party representees being either fairly satisfied or satisfied. In respect of individual questions, 52% of respondents agreed or strongly agreed that the advice given was what they required to submit their application/representation, and 64% agreed that they were kept informed of the progress of the application they had an interest in. 67% felt that they were dealt with promptly, 62% considered that the Council dealt helpfully with their queries, 79% understood the reason for the decision that was made on the application they had an interest in, and 67% considered that they were treated fairly and that their viewpoint had been listened to.

The Committee agreed to note the contents of the Report.