

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 12 August 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, BOB SPINK and PAUL VALENTINE.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES FOR ABSENCE

There were no apologies intimated.

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 15, application No 08/00568/FUL and item 22, application No 08/00955/OUT, she was acquainted with the writers of representations who were members of Glamis Community Council in respect of Item 15 and she had received a letter from the applicant in respect of Item 22. She advised that she would be taking part in the discussion and voting.
- Councillor Ellis advised that, in relation to item 7, application number 07/00812/FUL he had received an e-mail from the applicant regarding education provision at Liff Primary School and in respect of item 14, application No 08/00547/FUL, he had also received an e-mail from the applicant regarding the planning division. He advised that he would be taking part in the discussion and voting.
- Councillor Fairweather intimated that, in relation to item 18, application number 08/00783/FUL, the applicant was known to him; item 29, application No 08/00627/ADV, item 30 application No 08/00628/ADV and Item 31, application No 08/00629/ADV, his daughter was self-employed and had worked occasionally for the company; and declared an interest in item 32, application No 08/00795/ADV as he was the Council's representative on the Management Committee and had received an e-mail on the matter. He advised that, in relation to the first four declarations he would be taking part in a discussion and voting and on item 32 he would not take part in the discussion and voting.
- Councillor Gaul advised that, in relation to item 36, Case No 06/0084, he had received a number of e-mails and correspondence on the matter; and item 22, application No 08/00599/OUT, he had received e-mails on the matter. He advised that he would be taking part in the discussion and voting.
- Councillor Oswald intimated that, in relation to item 36, Case No 06/0084, she had been reported to the Standards Commission by the owner of the property. She advised that she would be taking part in the discussion and voting.
- Councillor Palmer indicated that, in relation to item 4, application No 08/00357/LBC, his wife worked for the Royal Bank of Scotland Group (Delegated Approvals) and item 6, application No 08/00239/FUL, he had received correspondence on the matter. He advised that he would be taking part in the discussion and voting.
- Council Spink advised that, in relation to item 29, application No 08/00627/ADV, he had been contacted by the objectors; and item 37(a) Top Rowan Developments Ltd, The Railwayfield, Inverkeilor, he had been spoken to by objectors and had raised the initial complaint with the Planning Division. He advised that he would be taking part in the discussion and voting.

- Councillor Salmond indicated that, in relation to item 21, application No 08/00515/FUL, he was a client of the applicant and would not be taking part in discussion and voting; item 25, application No 08/00853/FUL, the objector was known to him; item 22, application No 08/00599/OUT, he had received a letter from the agents; and item 26, application No 08/00760/OUT as he had received e-mails from the applicant. He advised that he would be taking part in the discussion and voting.
- Councillor Valentine declared an interest in item 22, application No 08/00599/OUT, as he had spoken to the applicant who was an acquaintance and had received correspondence from the agent. He advised that he had expressed no opinion and that he would be taking part in the discussion and voting.
- Councillor King declared an interest in item 18, application No 08/00783/FUL, as the applicant was known to him; and that in relation to item 22, application No 08/00599/OUT, he had received a letter on the matter, item 32 application No 08/00795/ADV, he had received an e-mail on the matter and item 37(b), Report No 731/08 as he had had received e-mails from the complainers on the matter. He advised that he would be taking part in the discussion and voting on all of these items.
- Councillor Lumgair, intimated that in relation to item 9, application No 08/00754/FUL, he knew the applicant's family, item 27 application No 08/00610/OUT, he had received a letter on the matter and item 25 application No 08/00853/FUL, the objector was known to him, item 26 application No 08/00760/OUT, he had received a telephone call from the applicant and item 22, application No 08/00599/OUT he had received a letter on the matter. He advised that he would be taking part in the discussion and voting of the items.

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

3. BUILDING WARRANTS

The Committee noted that during the period 23 June to 1 August 2008 a total of 2 Staged Warrants, 3 Demolition Warrants, 31 Amendments to Warrants and 152 Building Warrants had been approved with an estimated cost of £13,329,727.

4 DELEGATED APPROVALS

There was submitted [Report No 696/08](#) 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 122 applications determined under delegated authority during the period 24 June-5 August 2008.

5. LAND AT OLD BALKELLO, OLD BALKELLO, KIRKTON OF AUCHTERHOUSE

There was submitted [Report No 700/08](#) by the Director of Infrastructure Services detailing application No 08/00800/OUT by Mr and Mrs Gaffney for the erection of a dwellinghouse on land at Old Balkello, Auchterhouse. The application was recommended for refusal.

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

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

6. LAND TO THE NORTHWEST OF SOUTH AUCHRAY FARM, BIRK HILL

There was submitted [Report No 697/08](#) by Mr B Corstorphine for the erection of a dwellinghouse on land at South Auchray Farm, Birkhill.

The Committee noted that the applicant had withdrawn the application.

7. CRAIGLEE, NEWBIGGING, TEALING

There was submitted [Report No 698/08](#) by the Director of Infrastructure Services detailing application No 08/00239/FUL by Mr Ron Mullady for the erection of a double garage and extension to the boundary wall on land at Craiglee, Newbigging, by Tealing. The application was recommended for approval.

Slides were shown and Mr Appleton, an objector, and Mr Bertram, the applicant's agent, addressed the meeting. The objector also circulated photographs.

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

COUNCILLOR GAUL, SECONDED BY COUNCILLOR RYMER, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED AS, IF APPROVED, THE PROPOSED DEVELOPMENT, BY VIRTUE OF ITS HEIGHT AND PROXIMITY TO A NEIGHBOURING RESIDENTIAL PROPERTY, WOULD HAVE AN ADVERSE IMPACT ON THE AMENITY OF THE NEIGHBOURING PROPERTY AND AS SUCH WAS CONTRARY TO POLICY H21 OF THE ADOPTED ANGUS LOCAL PLAN 2000.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Brown, King, Palmer and Valentine (5).

For the amendment:-

Councillors Rymer, Andrews, Ellis, Fairweather, Gaul, Oswald, Salmond and Spink (8).

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

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

There was submitted [Report No 699/08](#) by the Director of Infrastructure Services detailing application Nos 07/00812/FUL and 07/01202/LBC for the erection of two dwellinghouses on land at the Dower House, Liff. Application No 07/00812/FUL was recommended for refusal and 07/01202/LBC for approval.

Slides were shown and Professor MacDonald addressed the meeting.

The Committee unanimously agreed that both applications be approved as the insufficiency of the capacity at Liff Primary School was not, in this case, an adequate reason to refuse application 07/00812/FUL, with the conditions and Section 75 Agreement to be attached to the approval, the details of which, to be submitted to the next available meeting.

Having heard from Councillor Ellis, the Committee unanimously agreed that the Director of Infrastructure Services and the Director of Education submit a Joint Report to the Education and Infrastructure Services Committees in early course seeking to address the education problems at Liff and the future of development in Liff.

9. GARDEN GROUND, 10 BURNSIDE ROAD, LETHAM

There was submitted [Report No 701/08](#) by the Director of Infrastructure Services detailing application No 08/00754/FUL by Ingrid Taggerty for the erection of a dwellinghouse at 10 Burnside Road, Letham. The application was recommended for approval.

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

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

6. That for the duration of the construction period of the development, the existing hedgerow along the east boundary of the site shall be retained at a minimum height of 2 metres and shall be physically protected by a temporary barrier to a specification approved in writing by the Planning Authority. Thereafter, the hedge shall not be felled, lopped or topped or otherwise interfered with without advance discussion with and without the prior written approval of the Planning Authority.

10. KIRKVIEW, BOWRIEFAULD, LETHAM

There was submitted [Report No 702/08](#) by the Director of Infrastructure Services detailing application No 08/00751/FUL by Mrs L Hill for the erection of ancillary accommodation above a garage and two dormers to the rear of the property at Bowriefauld, Letham. The application was recommended for approval.

Slides were shown.

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

11. HEUGH-HEAD HOUSE, KINNEL, FRIOCKHEIM

There was submitted [Report No 703/08](#) by the Director of Infrastructure Services detailing application No 08/00745/OUT by Mr and Mrs P Anelli for the erection of a dwellinghouse on garden ground at Heugh-Head House, Kinnell, Friockheim. 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.

12. SITE AT PRESSOCK WOODS, PRESSOCK, GUTHRIE

There was submitted [Report No 704/08](#) by the Director of Infrastructure Services detailing application No 08/00819/FUL by Mr N Sharp for the erection of a dwellinghouse on a site at Pressock Woods, Pressock, Guthrie.

The Committee noted that the applicant had withdrawn the application.

13. LAND AT BENZIL, LUNANHEAD, BY FORFAR

There was submitted [Report No 705/08](#) by the Director of Infrastructure Services detailing application No 08/00730/FUL by Mr and Mrs Prentice for the change of house type on land at Benzil, Lunanhead, by Forfar. The application was recommended for approval.

Slides were shown.

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

14. HEATHERMOUNT, 134 COUPAR ANGUS ROAD, BIRKHILL

There was submitted [Report No 706/08](#) by the Director of Infrastructure Services detailing application No 08/00547/FUL by Mr and Mrs Watson for the erection of a conservatory on the front elevation of the dwellinghouse at 134 Coupar Angus Road, Birkhill. The application was recommended for refusal.

Slides were shown and Mrs Watson, 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 ELLIS, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED AS IT WOULD NOT ADVERSELY AFFECT THE APPEARANCE AND CHARACTER OF THE DWELLINGHOUSE AND GENERAL AREA AND WAS THEREFORE NOT CONTRARY TO POLICY H24 OF THE ANGUS LOCAL PLAN.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews and King (4).

For the amendment:-

Councillors Brown, Ellis, Fairweather, Gaul, Oswald, Palmer, Salmond, Spink and Valentine (9).

The amendment was declared carried resulting in the application being approved, subject to conditions to be agreed by the Head of Planning and Transport.

Having heard from Councillor Gaul, the Committee agreed that the policy on front extensions be reviewed in due course.

15. FORMER RAILWAY STATION, GLAMIS

There was submitted [Report No 707/08](#) by the Director of Infrastructure Services detailing application No 08/00568/FUL by Strathmore Vintage Vehicle Club Ltd for the erection of a storage warehouse at the former Railway Station, Glamis. 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 GAGIE ROAD, KELLAS

There was submitted [Report No 708/08](#) by the Director of Infrastructure Services detailing application No 08/00668/FUL by James W Carr for the erection of a dwellinghouse on land at Gagie Road, Kellas. The application was recommended for refusal.

Slides were shown.

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

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

17. 10 COMMERCE STREET, ARBROATH

There was submitted [Report No 709/08](#) by the Director of Infrastructure Services detailing application No 08/00467/FUL by Ruaridh McColl for the change of use from dwellinghouse to housing for multiple occupation and replacement attic windows at 10 Commerce Street, Arbroath. The application was recommended for approval.

Slides were shown.

The Committee unanimously agreed that the application be refused as the proposed development would represent overdevelopment/intensification of use and as such would have an adverse impact on the character and amenity of the surrounding area and was therefore contrary to Policies ENV5 and H21 of the adopted Angus Local Plan 2000.

At this point, the Committee agreed to adjourn for lunch and reconvene at 2.00pm.

18. LAND AT 4 CONDOR DRIVE, ARBROATH

There was submitted [Report No 710/08](#) by the Director of Infrastructure Services detailing application No 08/00783/FUL by Carswell Properties Limited for the erection of three dwellinghouses on land at 4 Condor Drive, Arbroath. 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 refused for the reasons detailed in the Report.

19. CARESTON MOTORS, CARESTON, BRECHIN

There was submitted [Report No 711/08](#) by the Director of Infrastructure Services detailing application No 08/00542/OUT by Dungannon Properties for the erection of four dwellinghouses at Careston Motors, Careston, Brechin. The application was recommended for refusal.

Slides were shown and Mr Coutts, 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 APPROVED SUBJECT TO CONDITIONS, AND A SECTION 75 AGREEMENT REGARDING AFFORDABLE HOUSING, AS THE PROPOSED DEVELOPMENT WOULD RESULT IN A SIGNIFICANT ENVIRONMENTAL IMPROVEMENT TO THE AREA THROUGH THE REMOVAL OF A SCRAP YARD USE AND THAT THIS MATERIAL PLANNING CONSIDERATION JUSTIFIED A DEPARTURE FROM POLICY H8 OF THE ADOPTED ANGUS COUNCIL PLAN.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors Ellis, Fairweather, Gaul, King, Oswald, Salmond, Spink and Valentine (8).

No vote:-

Councillor Palmer.

The amendment was declared carried resulting in the application being approved, subject to conditions and Section 75 Agreement, the details of which, to be submitted to the next available meeting.

20. LOTHIAN BORDERS AND ANGUS CO-OPERATIVE SOCIETY, 13-18 HIGH STREET, KIRRIEMUIR

There was submitted [Report No 712/08](#) by the Director of Infrastructure Services detailing application No 08/00480/ADV and 08/00580/LBC by CWS Retail Financial Services for the erection of advertising signs at Lothian Borders and Angus Co-operative Society, 13-18 High Street, Kirriemuir. The advertisement application had Deemed Consent under the Advertisement Regulations, but was recommended for refusal. In addition, the application for listed building consent was also recommended for refusal.

Slides were shown.

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

21. 5 MURRAY STREET, MONTROSE

Councillor Salmond, having declared an interest at item 2 above, left the meeting during consideration of this item.

There was submitted [Report No 713/08](#) by the Director of Infrastructure Services detailing application No 08/00515/FUL by Dr Watson for the change of use to Osteopathy Clinic (Use Class 2) at 5 Murray Street, Montrose. The application was recommended for approval.

Slides were shown.

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

22. LAND AT BALGOVE STEADING, BY MONTROSE

There was submitted [Report No 714/08](#) by the Director of Infrastructure Services detailing application No 08/00599/OUT by Andrew Ogilvie for the erection of a dwellinghouse on land adjacent to Balgove Steading, by Montrose. The application was recommended for refusal.

Slides were shown and Miss N Slaven, the applicant's agent, addressed the meeting.

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

23. 9-21 JOHN STREET, MONTROSE

There was submitted [Report No 715/08](#) by the Director of Infrastructure Services detailing application Nos 08/00116/FUL and 08/00118/LBC by Mr S Ahmed for the change of use of retail premises to restaurant at 9-21 John Street, Montrose. The applications were recommended for approval.

Slides were shown.

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

24. 21 PATON'S LANE, MONTROSE

There was submitted [Report No 716/08](#) by the Director of Infrastructure Services detailing application No 08/00852/FUL by Mr and Mrs M Olsen for the alterations and extension to a dwellinghouse at 21 Paton's Lane, Montrose.

The Committee noted that the applicant had withdrawn the application.

25. 21 THE MALL, MONTROSE

There was submitted [Report No 717/08](#) by the Director of Infrastructure Services detailing application No 08/00853/FUL by Mrs McDowell for the erection of a boundary fence at 21 The Mall, Montrose. The application was recommended for approval.

Slides were shown.

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

26. LAND AT FORGE DYKES, LOGIE, MONTROSE

There was submitted [Report No 718/08](#) by the Director of Infrastructure Services detailing application No 08/00760/OUT by Mr G Sangster for the erection of a dwellinghouse on land at Forge Dykes, Logie, Montrose. The application was 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 application be refused for the reasons detailed in the Report.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR PALMER, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED, SUBJECT TO CONDITIONS AND A SECTION 75 AGREEMENT AS THE PROPOSED DEVELOPMENT WOULD

SECURE IMPROVED REPLACEMENT PLANTING AND WOULD ALLOW FOR A LEGAL AGREEMENT TO PREVENT FURTHER HOUSING DEVELOPMENT ON OTHER LAND IN THE AREA.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Spink and Valentine (4).

For the amendment:-

Councillors Andrews, Brown, Ellis, Fairweather, Gaul, King, Oswald, Palmer and Salmond (9).

The amendment was declared carried resulting in the application being approved, subject to conditions and a Section 75 Agreement, the details of which be submitted to the next appropriate meeting.

27. FAIRLEYHILL, HILLHEAD OF ROSEMOUNT, MONTROSE

There was submitted [Report No 719/08](#) by the Director of Infrastructure Services detailing application No 08/00610/OUT by Mr B Low and Mrs Verona Low for the erection of a dwellinghouse at Fairleyhill, Hillhead of Rosemount, Montrose.

The Committee noted that the applicant had withdrawn the application.

28. 3 LORDBURN, ARBROATH

There was submitted [Report No 720/08](#) by the Director of Infrastructure Services detailing application Nos 07/01364/FUL and 07/01365/CON by Mr K Bertram for the erection of six flats and the demolition of an existing building at 3 Lordburn, Arbroath. The applications were recommended for approval.

Slides were shown.

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

9. That, notwithstanding the details shown on the submitted drawings, the siting of a bin store as detailed on drawing No PMS1425/201 is not approved. No development in connection with the planning permission hereby granted shall take place unless an alternative siting for the bin storage area has been agreed in writing by the Planning Authority in consultation with the Head of Environmental and Consumer Protection. The bin store shall be sited in accordance with the approved details.

29. SITE ADJACENT TO SEATON LODGE, SEATON ESTATE CARAVAN PARK, SEATON, ARBROATH

There was submitted [Report No 721/08](#) by the Director of Infrastructure Services detailing application No 08/00627/ADV by Crown Parks Ltd for the erection of an advertisement sign on land adjacent to Seaton Lodge, Seaton Road, Arbroath. The application was recommended for refusal.

Slides were shown.

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

30. SITE ADJACENT TO WOODLAND HOUSE, SEATON ESTATE CARAVAN PARK, SEATON, ARBROATH

There was submitted [Report No 722/08](#) by the Director of Infrastructure Services detailing application No 08/00628/ADV for the erection of an advertisement sign on land adjacent to Woodland House, Seaton Road, Arbroath. The application was recommended for refusal.

Slides were shown.

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

31. SITE ADJACENT TO MEADOWBANK INN, SEATON ESTATE CARAVAN PARK, SEATON, ARBROATH

There was submitted [Report No 723/08](#) by the Director of Infrastructure Services detailing application No 08/00629/ADV for the erection of an advertisement sign on land adjacent to Meadowbank Inn, Arbroath for Crown Parks Ltd. The application was recommended for refusal.

Slides were shown.

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

32. ARBROATH ARTISAN GOLF CLUB, ELLIOT, ARBROATH

Councillor Fairweather, having declared an interest at item 2 above, left the meeting during consideration of this item.

There was submitted [Report No 724/08](#) by the Director of Infrastructure Services detailing application No 08/00795/ADV by the Management Committee of Arbroath Golf Course for the erection of advertisement signs at Arbroath Golf Club, Elliot, Arbroath. The application was recommended for refusal.

Slides were shown.

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

33. GROUND AT MUIRDRUM FARM, MUIRDRUM, BY CARNOUSTIE

There was submitted [Report No 726/08](#) by the Director of Infrastructure Services detailing application Nos 06/01779/FUL and 07/01286/FUL by Mr G Watson for the erection of an essential worker's house and the siting of a residential caravan at Muirdrum Farm, Muirdrum, by Carnoustie. 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, in accordance with Standing Order 20(8), that the meeting proceed beyond the three hour limit to the conclusion of the meeting.

34. LAND AT WESTER RESTENNETH, MONTROSE ROAD, FORFAR

There was submitted [Report No 727/08](#) by the Director of Infrastructure Services detailing application Nos 08/00067/FUL and 08/00861/FUL by Gladedale (North-East Scotland) Ltd for the erection of a residential development comprising 100 dwellinghouses and associated earthworks on land at Wester Restenneth, Montrose Road, Forfar. The applications were recommended for approval.

Slides were shown and Mr Adamson, Mr Shepherd and Mr Patullo, objectors, Mrs Napier, Forfar Community Council, also objectors and Mr Neil Davidson, the applicant's representative, addressed the meeting.

The Committee unanimously agreed to defer consideration of the application to a special meeting of the Committee to be held within the next six weeks at which officers from Environmental and Consumer Protection and Education should be in a position to provide the information that was required to determine the matter.

35. 12 HUME STREET, MONTROSE

There was submitted [Report No 728/08](#) by the Director of Infrastructure Services detailing application No 08/00465/FUL by Belhaven Breweries for the change of use from Bingo Hall (Class 11 Use) to Lounge Bar (sui-generis) with elevation and alterations at the Gala Bingo Hall, Hume Street, 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 15 minutes and reconvene at 7.00pm.

36. ENFORCEMENT UPDATE

There was submitted [Report No 729/08](#) by the Director of Infrastructure Services detailing progress on the Enforcement Cases agreed by the Development Standards Committee.

The Committee, after hearing the Senior Service Manager (Planning and Transport), agreed:-

- (i) to note that contractors had been employed to clear the site at 1 Broomwell Gardens, Monikie;
- (ii) to note that the area of ground required to form the turning head had been purchased by the occupier of 18 Caldham Gardens, Brechin and ground work had commenced, and to require the area to be tarred and work completed by 2 September 2008;
- (iii) to note that a report on Brechin Road, Tayock would be submitted to this Committee on 2 September 2008;
- (iv) to note that the appeal had been upheld in respect of the 19th Hole, Carnoustie, resulting in the decking and smoking shelter being permitted;
- (v) to note that the outcome of the appeal in respect of the erection of a smokers' shelter at The Golf Inn, 5 Park Avenue, Carnoustie was awaited;
- (vi) to serve an Enforcement Notice in respect of the soil heap on an area of ground at Loch of Liff Road, Liff if the soil heap is not removed;
- (vii) to note the position with regard to the unauthorised placement of a caravan at The Stables, Kirkton of Glenisla and that the owner had until 28 September 2008 to comply with the Enforcement Notice;
- (viii) 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;
- (ix) to serve Enforcement Notices on Crown Park Estates, in respect of the erection of unauthorised signs and large hoardings at Seaton Estates, Arbroath;
- (x) 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 2 September 2008;
- (xi) that the residential caravan at North Mains Croft, Kirriemuir required to be removed by 18 January 2009;
- (xii) to note that the retrospective application for unauthorised works at 21 The Mall, Montrose was approved at item 25 of the agenda and that the case is now closed;
- (xiii) to note that an appeal had been submitted against refusal of advertisement consent at 242 High Street, Arbroath and to await the outcome;
- (xiv) to note that an application for the erection of a garden boundary area at Neilston Farm, by Meigle would be considered by this Committee on 2 September 2008;
- (xv) to note that a planning application was anticipated in respect of the erection of a new house at Castle House, Ballinshoe following the unauthorised demolition of the original building;
- (xvi) to note that the issue at Drummyellow Farm, Arbroath would be considered later on the agenda;

- (xvii) to initiate Direct Action in respect of unauthorised vehicles at Reswallie Mains, Forfar; and
- (xix) that a retrospective planning application was required in respect of groundwork and excavation at Saughmont Covert, Skichen, Arbroath.

37. ENFORCEMENT ACTION

(a) Top Rowan Developments Ltd, The Railway Field, Inverkeilor

There was submitted [Report No 730/08](#) by the Director of Infrastructure Services which advised that Top Rowan Developments (Angus) Ltd had failed to erect boundary treatments before the houses had been occupied in accordance with application No 02/00310/FUL.

The Head of Planning and Transport highlighted the outcome of the investigation into the non-compliance of the condition and the progress that had been made in connection with this matter.

Following detailed discussion, the Committee agreed to note the contents of the Report and agree that in view of the fact that Top Rowan Developments (Angus) Ltd (subsequently known as 1st April 2008 Ltd) (the developers) had gone into liquidation, the planning service should continue to provide advice to the property owners regarding the provision of landscaping.

(b) Land at Former Drummyellow Steading, Drummyellow, Arbroath

There was submitted [Report No 731/08](#) by the Director of Infrastructure Services advising of a situation which had arisen at the former Drummyellow Steading, Drummyellow, Arbroath.

The Report indicated that a complaint had been received regarding the Steading conversion, which had been granted approval in October 2007, the provision of about two dormer windows on the east elevation and the impact they might have had on Drummyellow Farmhouse.

Subsequent to the complaint, planning application No 08/00912/FUL had been submitted on 10 July 2008 for approval of the amendments to the original plans. However, a number of changes had been highlighted that differed from the original proposal. The applicant had therefore been advised to provide accurate drawings in order to allow the amendments to be considered in the context of the application.

In conclusion, the Committee was advised that, under Section 64 of the Town and Country Planning (Scotland) Act 1997, the planning authority, at the request of the grantee or a person acting with his consent, may vary any planning permission granted by them, if it appears to them that the variation sought was not material. In this instance, however, it had been determined that the proposed variations at Drummyellow Farm Steading were material and a further planning application would be required.

The Committee therefore agreed that a Report dealing with the planning application for the conversion of the steadings to three dwellings, for Jack Developments Ltd, be considered at the next appropriate meeting of this Committee.

38. PLANNING APPEAL DECISIONS

(a) 19th Hole, Ferrier Street, Carnoustie

With reference to Article 6 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 732/08](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the enforcement notice requiring removal of a smokers' shelter and timber decking at the 19th Hole, Ferrier Street, Carnoustie.

The Committee noted that the appeal had been allowed, the enforcement notice quashed and planning permission granted subject to conditions.

(b) 18 Dundee Street, Carnoustie

With reference to Article 21 of the minute of meeting of this Committee of 29 January 2008, there was submitted [Report No 733/08](#) 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 an application for alterations to the first floor to form two dental surgeries at 18 Dundee Street, Carnoustie.

The Committee noted that the appeal had been upheld and planning permission granted subject to conditions.

(c) Garden Ground at Trafalgar, Auchmithie

With reference to Article 24 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 734/08](#) 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 planning permission for outline erection of a dwellinghouse on garden ground at Trafalgar, Auchmithie.

The Committee noted that the appeal had been upheld and planning permission granted subject to conditions.

(d) Land at Belmont Street, Newtyle

With reference to Article 16 of the minute of meeting of this Committee of 8 January 2008, there was submitted [Report No 735/08](#) 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 for the erection of a dwellinghouse on land at Belmont Street, Newtyle.

The Committee noted that the appeal had been upheld and planning permission granted subject to conditions.

(e) 26 High Street, Montrose

With reference to Article 12 of the minute of meeting of this Committee of 19 February 2008, there was submitted [Report No 736/08](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Ministers to determine the conjoined appeal against the refusal of Angus Council to grant planning permission/listed building consent for the erection of a dwellinghouse against a listed boundary wall on land to the rear of 26 High Street, Montrose.

The Committee noted that the appeal had been dismissed and planning permission/listed building consent refused.