

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 20 May 2008 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

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 Valentine intimated that in relation to item 5 (Delegated Approvals), application No 08/00293/FUL, he was a relative of the applicants; item 17, application No 08/00328/OUT the objector was a friend; and item 18, application No 08/00360/OUT as the applicant was a friend. It was noted that the latter two applications had been withdrawn.
- Councillor Oswald declared an interest in item 11, application No 08/00227/FUL; and item 28, application No 07/01538/FUL, as she knew one of the objectors for both applications. She advised that she would not be taking part in the discussion and voting.
- Councillor Palmer declared an interest in item 12, application No 08/00418/FUL, as he had met with the applicant's agent and had previously made his views known at Committee; and item 27, application No 08/00150/FUL as he knew an objector. He advised that he would not be taking part in the discussion and voting.
- Councillors Andrews, Lumgair and Rymer declared an interest in item 14, application No 08/00089/OUT as they knew one of the objectors. They advised that they would be taking part in the discussion and voting.
- Councillor Gaul declared an interest in item 30, application No 05/01074/FUL, as he had taken part in a meeting with the applicant and planning officers and would therefore not be taking part in the discussion and voting.
- Councillors Lumgair, Rymer, Andrews, Brown, Ellis, Gaul, Oswald, Palmer, Salmond, Spink and Valentine advised that they had received a number of emails and correspondence in relation to item 31, Caldhome Gardens, Brechin and would be taking part in the discussion and voting.

3. MINUTES OF PREVIOUS MEETINGS

The [minutes of meetings of this Committee of 8](#) and [29 April 2008](#) were approved as correct records and signed by the Convener.

4. BUILDING WARRANTS

The Committee noted that during the period 21 April – 9 May 2008 a total of 1 Demolition Warrant, 1 Staged Warrant, 22 Amendments to Warrants and 68 Building Warrants had been approved with an estimated cost of £6,647,239.

PLANNING APPLICATIONS

5. DELEGATED APPROVALS

There was submitted [Report No 512/08](#) 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 62 applications determined under delegated powers during the period 22 April - 13 May 2008.

6. 31 SEAGATE, ARBROATH

There was submitted [Report No 513/08](#) by the Director of Infrastructure Services detailing application No 08/00210/FUL by Mr I Shepherd for alterations to loft space at a residential holiday flat at 31 Seagate, Arbroath. The application was recommended for approval.

Slides were shown including photographs submitted by the objector.

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

7. FIRTHFIELD COTTAGE, WOODVILLE, ARBROATH

There was submitted [Report No 514/08](#) 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 Committee noted that the application had been deferred for further consultation.

8. 7 FORBES PLACE, ARBROATH

There was submitted [Report No 515/08](#) by the Director of Infrastructure Services detailing application No 08/00305/FUL by Mr R Parry for the erection of a garage and conservatory at 7 Forbes Place, Arbroath. The application was recommended for approval.

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

9. LAND AT DENLEY HOUSE, 3 ARBIRLOT ROAD, ARBROATH

There was submitted [Report No 516/08](#) by the Director of Infrastructure Services detailing application No 07/00144/OUT by Mr & Mrs Parker for the erection of a dwellinghouse on land at Denley House, 3 Arbirlot Road, Arbroath. The application was recommended for refusal.

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

The Committee agreed that the application be deferred to allow accurate plans and technical details to be submitted.

10. 48B HIGH STREET, BRECHIN

There was submitted [Report No 517/08](#) by the Director of Infrastructure Services detailing application No 08/00346/FUL and 08/00355/LBC by Mrs E Crawford for an attic conversion and alterations to flatted dwelling to form two dwellinghouses at 48B High Street, Brechin. The application was recommended for refusal.

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

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

Having declared an interest at item 2 above, Councillor Oswald left the meeting during consideration of the following item.

11. CO-OPERATIVE GROUP, PARKHOUSE BUILDING, CLAYHOLES, CARNOUSTIE

There was submitted [Report No 518/08](#) by the Director of Infrastructure Services detailing application No 08/00227/FUL by the Co-operative Group for the extension to an existing vegetable packhouse incorporating cold storage at Packhouse Building, Clayholes, Carnoustie. The application was recommended for approval.

Slides were shown.

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

Having declared an interest at item 2 above, Councillor Palmer left the meeting during consideration of the following item.

12. SITE AT WESTHAVEN FARM, WESTHAVEN ROAD, CARNOUSTIE

There was submitted [Report No 519/08](#) by the Director of Infrastructure Services detailing application No 08/00418/FUL by Mr and Mrs Esposito for the erection of a dwellinghouse on a site at Westhaven Farm, Westhaven Road, 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 Gaul, seconded by Councillor Oswald, moved as an amendment, that the application be approved as circumstances warranted a departure from the Local Plan on this site and was therefore in the spirit of Policy H7 of the adopted Angus Local Plan.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, King, Leslie Melville, and Spink (6).

For the amendment:-

Councillors Brown, Ellis, Gaul, Oswald, Salmond and Valentine (6).

There being an equality of votes the Convener exercised his casting vote in favour of the motion resulting in the application being refused as detailed in the Report.

13. CHERRYFIELD COTTAGE, LOWNIE, FORFAR

There was submitted [Report No 520/08](#) by the Director of Infrastructure Services detailing application No 08/00423/FUL by Mr and Mrs Norman Atkinson for alterations and extension to a dwellinghouse at Cherryfield Cottage, Lownie, Forfar. The application was recommended for approval.

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

14. LAND AT NEWBARNES FARM, CAIRNHILL, FORFAR

There was submitted [Report No 521/08](#) by the Director of Infrastructure Services detailing application No 08/00089/OUT by Mr James Coventry for the erection of a dwellinghouse on land at Newbarnes Farm, Cairnhill, Forfar. The application was recommended for approval.

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

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

15. 6 ROSEWELL ROAD, MARYTON, BY KIRRIEMUIR

There was submitted [Report No 522/08](#) by the Director of Infrastructure Services detailing application No 08/00464/OUT by Ms D McManus for the erection of a dwelling/granny flat at 6 Rosewell Road, Maryton, By Kirriemuir. The application was recommended for refusal.

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

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

16. LAND AT FORGE DYKES, NORTH CRAIGO, MONTROSE

There was submitted [Report No 523/08](#) by the Director of Infrastructure Services detailing application No 07/01687/OUT by Mr G Sangster for the erection of a dwellinghouse on land at Forge Dykes, North Craigo, Montrose.

The Committee noted that the applicant had withdrawn the application.

17. LAND AT MOUNTBOY FARM, ROSSIE, BY MONTROSE

There was submitted [Report No 524/08](#) by the Director of Infrastructure Services detailing application No 08/00328/OUT by Anniston Farms (Arbroath) Limited for the erection of a dwellinghouse on land at Mountboy Farm, Rossie by Montrose.

The Committee noted that the applicant had withdrawn the application, and consequently a further report would be submitted on the need for possible enforcement action should it be identified that agricultural land had been incorporated into the curtilage of the neighbouring residential property without the benefit of planning permission.

18. LAND AT ROSEDALE COTTAGE, ROSSIE MILLS, MONTROSE

There was submitted [Report No 525/08](#) by the Director of Infrastructure Services detailing application No 08/00360/OUT by Mr and Mrs Crowe for the erection of a dwellinghouse at Rosedale Cottage, Rossie Mills, Montrose.

The Committee noted that the applicant had withdrawn the application.

19. BRAWNOOKIE, CRAIGTON, MONIKIE

There was submitted [Report No 526/08](#) by the Director of Infrastructure Services detailing application No 08/00170/FUL by Mr Andrew Watson for the erection of a dwellinghouse at Brawnookie, 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.

20. LAND AT PANMURE ROAD, MONIKIE

There was submitted [Report No 527/08](#) by the Director of Infrastructure Services detailing application No 08/00488/OUT by Ross Morrison for the erection of a dwellinghouse with associated road access on land at Panmure Road, Monikie. The application was recommended for refusal.

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

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

COUNCILLOR OSWALD, SECONDED BY COUNCILLOR PALMER, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED AS THE PROPOSED SITE FORMED A GAP SITE AND MATERIAL CONSIDERATION JUSTIFIED DEPARTURE FROM THE DEVELOPMENT PLAN.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumbair, Rymer, King, Leslie Melville, Spink and Valentine (6).

For the amendment:-

Councillors Andrews, Brown, Ellis, Gaul, Oswald, Palmer and Salmond (7).

The amendment was declared carried resulting in the application being approved subject to suitable conditions as agreed by the Head of Planning and Transport and a Section 75 Agreement limiting the site to one house only.

21. LAND AT GAGIE HOME FARM, TEALING

There was submitted [Report No 528/08](#) by the Director of Infrastructure Services detailing application No 08/00395/FUL by T F Kettles for the erection of a potato shed on land 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.

22. PLOT 3, DALGETY FARM, KINNAIRD, BRECHIN

There was submitted [Report No 529/08](#) by the Director of Infrastructure Services detailing application No 08/00365/OUT by Esk Homes for the erection of a dwellinghouse at Plot 3, Dalgety Farm, Kinnaird, Brechin. The application was recommended for refusal.

Slides were shown.

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

23. LAND AT WITTON FARM, GLEN LETHNOT, EDZELL

There was submitted [Report No 530/08](#) by the Director of Infrastructure Services detailing application No 08/00387/FUL by Mr and Mrs G Yard for the erection of a dwellinghouse on land at Witton Farm, Glen Lethnot, Edzell. The application was recommended for refusal.

Slides were shown and Miss Fox, 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 AS ALL OTHER BUILDINGS ON THE FARM WERE UNSUITABLE AND IT WOULD THEREFORE COMPLY WITH POLICY H15 OF THE ANGUS LOCAL PLAN AS THE PROPOSED DWELLING WAS NOT ISOLATED FROM FARM GROUND AND THERE WAS A JUSTIFIABLE NEED FOR A NEW ESSENTIAL WORKER'S PROPERTY.

On a vote being taken the members voted:-

For the motion:-

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

For the amendment:-

Councillors Andrews, Brown, Ellis, Gaul, Leslie Melville, Oswald, Salmond and Spink (8).

The amendment was declared carried resulting in the application being approved subject to suitable conditions to be agreed by the Head of Planning and Transport and the applicant signing a Section 75 Agreement limiting the site to one house only.

24. LAND AT KIRKTON OF GLENISLA, GLENISLA

There was submitted [Report No 531/08](#) by the Director of Infrastructure Services detailing application No 08/00273/OUT by Mr David Guthrie for the erection of a dwellinghouse on land at Kirkton of Glenisla, Glenisla. The application was recommended for approval.

Slides were shown.

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

Councillors Ellis and Leslie Melville left the meeting at this stage.

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

25. 89 – 91 KEPTIE STREET, ARBROATH

There was submitted [Report No 532/08](#) by the Director of Infrastructure Services detailing application No 07/01351/FUL by Mr Clive Jones for the change of use from fancy dress hire shop to hot food takeaway at 89 – 91 Keptie Street, Arbroath. The application was recommended for approval.

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

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

26. LAND AT BUS DEPOT, CAIRNIE LOAN, ARBROATH

There was submitted [Report No 533/08](#) by the Director of Infrastructure Services detailing application No 07/01293/FUL by Mr & Mrs C Riddler for the erection of five dwellinghouses on land at Bus Depot, Cairnie Loan, Arbroath. The application was recommended for refusal.

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

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

Having declared an interest at item 2 above, Councillor Palmer left the meeting during consideration of the following item.

27. 1 BARRY ROAD, CARNOUSTIE

There was submitted [Report No 534/08](#) by the Director of Infrastructure Services detailing application No 08/00150/FUL by Dolphin Retail Management for the erection of a mini market at 1 Barry Road, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Landsburgh, Chairman of the Scottish Grocers' Federation, addressed the meeting.

The Committee agreed that the application be refused as the servicing arrangements would be detrimental to road and pedestrian safety and free of traffic flow.

Having declared an interest at item 2 above, Councillor Oswald left the meeting during consideration of the following item.

28. 21 – 23 THISTLE STREET, CARNOUSTIE

There was submitted [Report No 535/08](#) by the Director of Infrastructure Services detailing application No 07/01538/FUL by Scotia Homes (South) Limited for the erection of 20 flats and the conversion of an office to single dwellinghouse at 21 – 23 Thistle Street, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Henderson and Mrs Christie, objectors, followed by Mr Ross, the applicant's drainage representative addressed the meeting.

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

COUNCILLOR GAUL, SECONDED BY COUNCILLOR PALMER, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED AS:-

- (i) THE PROPOSED DEVELOPMENT, BY VIRTUE OF ITS SCALE AND HEIGHT RELATIVE TO SURROUNDING PROPERTIES, WOULD HAVE A DETRIMENTAL IMPACT ON THE CHARACTER AND VISUAL AMENITY OF THE AREA AND AS SUCH WAS CONTRARY TO POLICY ENV5 OF THE ADOPTED ANGUS LOCAL PLAN 2000;

- (ii) THERE WAS INSUFFICIENT JUSTIFICATION PROVIDED TO JUSTIFY DEPARTURE FROM THE AFFORDABLE HOUSING REQUIREMENT IDENTIFIED BY POLICY SC6 OF THE FINALISED ANGUS LOCAL PLAN; AND
- (iii) THE APPLICANT HAD FAILED TO DEMONSTRATE THAT AN APPROPRIATE MEANS OF ENSURING THE FUTURE MAINTENANCE OF THE PROPOSED SUSTAINABLE URBAN DRAINAGE SYSTEM WOULD BE IN PLACE.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair and Brown (2).

For the amendment:-

Councillors Rymer, Andrews, Gaul, King, Palmer, Salmond, Spink and Valentine (8).

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

29. LAND ADJACENT TO CRAIGWELL, KIRKTON OF CRAIG

There was submitted [Report No 536/08](#) by the Director of Infrastructure Services detailing application No 07/01619/FUL by Taylor's Auction Rooms (Montrose) Limited for the erection of three dwellinghouses on land adjacent to Craigwell, Kirkton of Craig, by Montrose. The application was recommended for approval.

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

Having heard from the Head of Law and Administration, Councillors Brown, Oswald, Palmer, Salmond and Valentine left the meeting during consideration of the following item as they had not been present at the site visit.

Councillor Gaul, having declared an interest at item 2 above, also left the meeting during consideration of the following item.

30. DRUMSHADE AIRFIELD, ROUNDYHILL

With reference to Article 29 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 537/08](#) by the Director of Infrastructure Services detailing application No 05/01074/FUL by Angus Gliding Club for the change of use of land to form a gliding site on land at Drumshade Farm, Roundyhill. The application was recommended for approval.

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

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

31. ENFORCEMENT UPDATE

There was submitted [Report No 538/08](#) 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) to note that case No 07/00028, 5 Lochbank Gardens, Forfar; 07/00018, 27-28 High Street, Kirriemuir; and 08/00023; land at Market Street, Forfar were now closed;
- (ii) that a further Report be submitted to the next meeting of this Committee on case No 02/00119, 1 Broomwell Gardens, Monikie;
- (iii) to discuss case No 06/00084, Caldhome Gardens, Brechin at the conclusion of the remaining business; and

- (iv) to note the current position with regard to all other enforcement cases detailed in the Report.

32. PERMITTED DEVELOPMENT RIGHTS FOR DOMESTIC MICRO GENERATION EQUIPMENT

With reference to Article 9 of the minute of meeting of the Infrastructure Service Committee of 22 April 2008, there was submitted [Report No 539/08](#) by the Director of Infrastructure Services detailing the draft response, as amended by the Infrastructure Services Committee, to the consultation paper submitted by Scottish Ministers promoting a greater uptake of micro generation in order to encourage the installation of more micro generation equipment in domestic buildings. The Scottish Government had sought views on the extent to which planning control could be reduced by making micro generation “permitted development” and therefore removing the need to apply for planning permission.

The Committee, for its interest, agreed to note the contents of the amended response to the consultation paper.

33. DEVELOPMENT MANAGEMENT AND BUILDING STANDARDS CUSTOMER SATISFACTION

There was submitted [Report No 540/08](#) by the Director of Infrastructure Services which detailed the level of customer satisfaction in respect of the Development Control and Building Standard Services for the period 1 October 2007 to 31 March 2008.

The Committee noted that the general level of customer satisfaction in respect of both Building Standards and Development Management was high, which was encouraging.

The Committee agreed to note the contents of the Report.

34. ENFORCEMENT

There was submitted [Report No 543/08](#) by the Director of Infrastructure Services which detailed the findings of the Development Standards Short Life Working Group in respect of the implementation of the Scheme of Delegation with regard to enforcement.

The Committee agreed:-

- (i) to note the findings of the Development Standards Short Life Working Group and accept Option 2 as the preferred option as indicated in the Report i.e. that there be greater utilisation of the current Scheme of Delegation with reports to Committee for information; and
- (ii) to refer the Report to an appropriate meeting of Angus Council with a recommendation that, in respect of enforcement, the current Scheme of Delegation did not require to be altered.

35. MAJOR WIND FARM APPLICATIONS

There was submitted [Report No 541/08](#) by the Director of Infrastructure Services which sought the Committee’s approval in respect of the scope of the statement of case to be submitted on behalf of the Council at a Public Local Inquiry to be held to consider an appeal on the basis of non-determination of Planning Application No 07/00050/FUL for the erection of three wind turbines at Mountboy, Rossiemoor, Montrose.

The Committee was also asked to note the submission of new applications at Dustydrum, Carmyllie and Mile Hill, Kingoldrum.

The Committee agreed:-

- (i) that notwithstanding the Council’s view that the application subject of the appeal would have been refused as being premature outwith the context of conjoined consideration of three other current applications at Montreathmont Moor, East Skitchen, Monikie, Dustydrum, Carmyllie in terms of cumulative impacts, that the scope of the Council’s statement of case for the Public Local Inquiry and evidence to be offered at the Public Local Enquiry include the matters referred to in Section 4.5 of the Report; and

- (ii) to note that new applications had been submitted for the erection of three wind turbines at Dustydrum, Carmyllie (08/00589/FUL) and for the erection of six wind turbines and associated infrastructure on land at Mile Hill, Kingoldrum (08/00426/FUL) and to confirm that the applications be designated as major planning applications.

36. ENFORCEMENT ACTION - CALDHAME GARDENS, BRECHIN

With reference to Article 31(iii) above and to Enforcement Case No 06/00084, Caldham Gardens, Brechin, the Committee was advised that requests to address the meeting had been received from Mr Robin Leslie Melville and Miss Fox, a representative of J & S Properties. Mr Leslie Melville was required to form a turning head on land owned by J & S Properties.

Miss Fox addressed the meeting and advised that J & S Properties were willing to sell the ground at a cost agreed by an independent valuer.

Mr Clancy, Mr Leslie Melville's representative, then addressed the meeting and accepted that the turning head required to be formed and stated that Mr. Leslie Melville was willing to purchase the ground, at a cost agreed by an independent valuer.

Councillor Lumgair, seconded by Councillor Rymer, moved that by the next meeting of this Committee (10 June 2008) significant progress on the purchase of the ground should have taken place.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR KING, MOVED AS AN AMENDMENT:-

- (i) THAT BY 10 JUNE 2008 THE INDEPENDENT VALUATION OF THE GROUND BE COMPLETED AND THE PURCHASE PRICE AGREED BY BOTH PARTIES; AND
- (ii) IF NO AGREEMENT HAD BEEN REACHED BY THEN, THE MATTER BE REPORTED TO THE PROCURATOR FISCAL.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

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

The amendment was declared carried and became the finding of the meeting.