

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 21 October 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

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 Lumgair declared an interest in item 9, application No 08/00383/FUL, as he was a neighbour and friend of the applicant, item 25, application No 08/01008/FUL, as he was a friend of the applicant and item 26, application No 08/00729/FUL, as he was a business acquaintance of the applicant. He advised that he would not be taking part in the discussion and voting of all three items.
- Councillor Fairweather advised that in relation to item 29 (Enforcement Update), Case No 08/00100, he had been visited by the owner of the property for procedural advice. He advised that he would be taking part in the discussion and voting.
- Councillor Palmer declared an interest in item 6 (Delegated Approvals), application No 08/01171/FUL, as the applicant was an acquaintance, and item 12, application No 08/00777/FUL, as he was a shareholder of the company and his wife was employed by the company. He advised that he would not be taking part in the discussion and voting on item 12.
- Councillor Rymer declared an interest in item 19, application No 08/00025/OUT, as he had a relative/friend with an interest in the application and item 29, Case No 07/00184, as a friend had an interest in the matter. He advised that he would not be taking part in the discussion and voting of both items.
- Councillor Spink advised that in relation to item 8, application No 08/00321/OUT, he had been approached by one of the objectors. He advised that he would be taking part in the discussion and voting.

3. DEVELOPMENT STANDARDS COMMITTEE MEETING - JANUARY 2009

The Committee noted that the Convener had agreed, in accordance with Standing Order 34(3), that the Development Standards Committee scheduled for Tuesday 6 January 2009 be rescheduled to Thursday 8 January 2009 at 10am in the Town and County Hall, Forfar.

4. MINUTES OF PREVIOUS MEETINGS

The [minutes of meeting of this Committee of 23](#) and [25 September 2008](#) were submitted, approved as correct records and signed by the Convener.

5. BUILDING WARRANTS

The Committee noted that during the period 15 September - 10 October 2008 a total of two Demolition Warrants, 14 Amendment to Warrants and 82 Building Warrants had been approved with an estimated cost of £5,921,261.

6. DELEGATED APPROVALS

There was submitted [Report No 997/08](#) 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 69 applications determined under delegated powers during the period 16 September - 14 October 2008.

7. SITE AT DUBTON COTTAGE, GUTHRIE

There was submitted [Report No 1007/08](#) by the Director of Infrastructure Services detailing application No 08/01029/OUT by Mr G Stewart for the erection of a dwellinghouse in garden ground at a site at Dubton Cottages, Guthrie. The application was recommended for refusal.

Slides were shown and Mr Stewart, the applicant's grandson, 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 ELLIS, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED, SUBJECT TO SUITABLE CONDITIONS AND A SECTION 75 AGREEMENT COVERING THE REMAINDER OF THE LAND IN THE OWNERSHIP OF MR STEWART ALLOWING NO FURTHER BUILDING WORK TO TAKE PLACE. AS THE PROPOSAL WOULD CONSOLIDATE A BUILDING GROUP AND WOULD THEREFORE BE COMPATIBLE WITH POLICY H7 OF THE ANGUS LOCAL PLAN. THE APPLICATION, IF APPROVED, WOULD BE SUBJECT TO THE FULL APPLICATION WAS ALSO REQUIRED TO BE CONSIDERED BY COMMITTEE IN DUE COURSE.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, King and Salmond (5)

For the amendment:-

Councillors Brown, Ellis, Fairweather, Gaul, Oswald, Palmer, Spink and Valentine (8).

The amendment was declared carried resulting in the application being approved as detailed above.

8. LAND AT REDCASTLE, LUNAN, BY MONTROSE

The Head of Planning and Transport advised that a request had been received from the applicant's agent in respect of application No 08/00321/OUT that consideration of the application be deferred until the meeting on 4 December 2008 in order to allow him to attend.

Having noted that this was the second request for a deferment and that an objector had travelled a considerable length to hear the application, the Committee resolved to determine the application.

There was submitted [Report No 1009/08](#) by the Director of Infrastructure Services detailing application No 08/00321/OUT by Mr J A Cargill for the erection of two dwellinghouses on land at Redcastle, Lunan. The application was recommended for refusal.

Slides were shown.

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

9. LAND AT MYRESIDE FARM, INVERKEILOR, ARBROATH

Councillor Lumgair, having declared an interest at item 2 above, left the meeting during consideration of this item. Councillor Rymer, Vice Convener, took the Chair.

There was submitted [Report No 1010/08](#) by the Director of Infrastructure Services detailing application No 08/00383/FUL by Mr A M McEwan for the erection of an essential worker's house at Myreside Farm, Inverkeilor, Arbroath. 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.

10. LAND AT THE BRAE, KIRKTON OF AUCHTERHOUSE

There was submitted [Report No 1011/08](#) by the Director of Infrastructure Services detailing application No 08/00999/FUL by Mr & Mrs T Johnston for the erection of a dwellinghouse on land at The Brae, Kirkton of Auchterhouse, Angus. The application was recommended for refusal.

Slides were shown and Mrs Ritchie, an objector, and Mr Cunning and Mr Dix, on behalf of the applicant, addressed the meeting.

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

11. 14 APPLGATE, ARBROATH

There was submitted [Report No 1012/08](#) by the Director of Infrastructure Services detailing application No 07/00530/FUL by Mitchells Amusements Limited for the change of use from amusement arcade to café at 14 Applegate, 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.

12. THE ROYAL BANK OF SCOTLAND, BROTHOCK BRIDGE, ARBROATH

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

There was submitted [Report No 1013/08](#) by the Director of Infrastructure Services detailing application No 08/00777/FUL by The Royal Bank of Scotland Group for the construction of a DDA Compliant Ramp to serve the public entrance at The Royal Bank of Scotland, Brothock Bridge, Arbroath. The application was recommended for refusal.

Slides were shown.

Councillor Lumgair, seconded by Councillor Spink, moved that the application be approved as the proposal would not create problems for ongoing maintenance of the surrounding footpath and would not be a hazard to pedestrian traffic safety and free pedestrian flow.

COUNCILLOR KING, SECONDED BY COUNCILLOR ELLIS, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED FOR THE REASONS DETAILED IN THE REPORT.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair and Spink (2)

For the amendment:-

Councillors Rymer, Andrews, Brown, Ellis, Fairweather, Gaul, King, Oswald, Salmond and Valentine (10)

Not present - Councillor Palmer.

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

13. 48B HIGH STREET, BRECHIN

There was submitted [Report No 1014/08](#) by the Director of Infrastructure Services detailing applications No 08/01121/FUL and No 08/01122/LBC by Mrs E Crawford for a proposed attic conversion and alterations to form rear dormers at 48B High Street, Brechin. The application was recommended for refusal.

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

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

14. EBENEZER HALL, SOUTHESK STREET, BRECHIN

There was submitted [Report No 1015/08](#) by the Director of Infrastructure Services detailing application No 08/01060/FUL by Bluedays Limited for the conversion of a hall into four flats at Ebenezer Hall, Southesk Street, Brechin. The application was recommended for refusal.

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

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

At this point, 12.35pm, in accordance with Standing Order 36(2), the Committee agreed that the order of business be varied from that published as there were speakers on the following two items of the published agenda Part 1 and furthermore, in accordance with Standing Order 20(8), the meeting proceed beyond the three hour limit to the conclusion of the two items.

15. LAND AT KIRKTON ROAD, MONIKIE

With reference to Article 8 of the minute of meeting of this Committee of 23 September 2008, there was submitted [Report No 1022/08](#) by the Director of Infrastructure Services detailing the conditions to be attached to planning application No 08/00943/FUL for the erection of a dwellinghouse by Mr & Mrs Ireland on land at Kirkton Road, Monikie.

Mr Ireland, the applicant, addressed the meeting requesting deletion of condition 12.

The Committee agreed that all 12 conditions, as detailed in the Report, be approved.

16. 17 HIGH STREET, MONTROSE

There was submitted [Report No 1026/08](#) by the Director of Infrastructure Services detailing applications No 08/00949/FUL and 08/00950/LBC by William Hill Organisation Limited for the change of use from Class 1 (Retail) to Class 2 (Licensed Betting Office) and the erection of a satellite dish at 17 High Street, Montrose. The applications were recommended for approval.

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

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

At this point, 1.25pm, the Committee agreed to adjourn for lunch and reconvene at 2.00pm. The Committee agreed to proceed with the agenda as stated for the 2.00pm meeting and conclude the remainder of the Part 1 business at the conclusion of item 20.

17. SITE ADJACENT TO 61 HIGH STREET, EDZELL

There was submitted [Report No 1028/08](#) by the Director of Infrastructure Services detailing application No 08/00910/FUL by Balhousie Care Limited for the erection of eight flats on a site adjacent to 61 High Street, Edzell.

The Committee noted that the applicant had withdrawn the application.

18. AUCHTERHOUSE COUNTRY SPORTS, AUCHTERHOUSE

There was submitted [Report No 1029/08](#) by the Director of Infrastructure Services detailing application No 08/01592/FUL by Auchterhouse Country Sports for the erection of bunding on land at Auchterhouse Country Sports, Burnhead Farm, by Auchterhouse. The application was recommended for approval.

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

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

19. LAND AT SUNNYSIDE, KIRRIEMUIR

There was submitted [Report No 1030/08](#) by the Director of Infrastructure Services detailing application No 08/00025/OUT by J & J Learmonth for the erection of a residential development on land at Sunnyside, Kirriemuir. The application was recommended for approval.

Slides were shown and Mr Boyd, 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 conditions:-

6. That only access to Sunnyside, to the east, shall be restricted to pedestrian and cycle access only.

Reason: In the interests of road traffic and/or pedestrian safety.

19. That all dwellinghouses along the eastern boundary of the site shall be single or one and a half storeys, the height of the ridge not to exceed 7.5 metres.

Reason: In the interests of residential amenity.

20. LAND AT HILLHEAD, KINNORDY ROAD, KIRRIEMUIR

There was submitted [Report No 1031/08](#) by the Director of Infrastructure Services detailing application No 08/00732/FUL by Guild Homes Limited, for the erection of 38 dwellinghouses (Phase 2) on land at Hillhead, Kinnordy Road, Kirriemuir. The application was recommended for approval, subject to a Section 75 Agreement.

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

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

At this point, 2.48pm, the Committee agreed to conclude the remainder of the Part 1 business.

21. 1 WHITEHILLS CRESCENT, FORFAR

There was submitted [Report No 1016/08](#) by the Director of Infrastructure Services detailing application No 08/01066/FUL by R Kilhams for a conservatory extension at 1 Whitehills Crescent, Forfar. The application was recommended for refusal.

Slides were shown.

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

22. COUTTIE'S WYND CAR PARK, COUTTIE'S WYND, FORFAR

There was submitted [Report No 1017/08](#) by the Director of Infrastructure Services detailing application No 08/00807/FUL by MacKay's Stores Limited for the erection of a dwellinghouse at Couttie's Wynd Car Park, Couttie's Wynd, Forfar. 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. BANKSIDE COTTAGE, USAN ROAD, FERRYDEN

There was submitted [Report No 1018/08](#) by the Director of Infrastructure Services detailing application No 08/01083/FUL by Mr R Braes for alterations and extension to a dwellinghouse and erection of a garage at Bankside Cottage, Usan Road, Ferryden.

The Committee noted that the applicant had withdrawn the application.

24. 14 ST BRIOC WAY, FERRYDEN

There was submitted [Report No 1019/08](#) by the Director of Infrastructure Services detailing application No 08/01140/FUL by Mr H Jones for alterations and extension to a dwellinghouse at 14 St Brioc Way, Ferryden, Montrose.

The Committee agreed that the application be deferred to allow further negotiations to take place.

Councillor Lumgair, having declared an interest at item 2 above, left the meeting during consideration of the following two items. Councillor Rymer, Vice Convener, took the Chair.

25. LAND AT 6 DUNDEE STREET, LETHAM

There was submitted [Report No 1020/08](#) by the Director of Infrastructure Services detailing application No 08/01008/FUL by I Lawson for the erection of two dwellinghouses on land at 6 Dundee Street, Letham. The application was recommended for approval.

Slides were shown.

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

26. SITE AT CROWHEAD WOOD, WELLBANK

With reference to Article 7 of the minute of meeting of this Committee of 23 September 2008, there was submitted [Report No 1021/08](#) by the Director of Infrastructure Services which detailed the conditions and terms of a Section 75 Legal Agreement to be attached to application No 08/00729/FUL for the erection of a chalet for ancillary living accommodation on land at Crowhead Wood, Wellbank.

The Committee approved the conditions and terms of the Section 75 Agreement as detailed in the Report.

In accordance with Standing Order 15(9)(iii), Councillor Oswald requested that her dissent be recorded in respect of the foregoing decision.

27. 25-27 LADYBRIDGE STREET, ARBROATH

There was submitted [Report No 1023/08](#) by the Director of Infrastructure Services detailing application No 08/00824/FUL by Mr M Ashrif for a dormer extension and alterations to a dwellinghouse at 25-27 Ladybridge Street, Arbroath. The application was recommended for approval.

Slides were shown.

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

28. LAND ADJACENT TO WOODLEA, ARBROATH ROAD, FORFAR

There was submitted [Report No 1024/08](#) by the Director of Infrastructure Services detailing application No 07/00211/FUL by Mr W G Brown for the change of use of land to park and operate six minibuses on land at Woodlea, Arbroath Road, Forfar. The application was recommended for approval.

Slides were shown.

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

29. ENFORCEMENT UPDATE

There was submitted [Report No 1032/08](#) by the Director of Infrastructure Services updating on the progress of enforcement cases by the Planning and Transport Service which had been agreed by the Development Standards Committee.

After hearing the Head of Planning and Transport on each case, the Committee agreed:-

- (i) to note the position with regard to 1 Broomwell Gardens, Monikie;
 - (ii) to note that the turning head had been completed at Caldame Gardens, Brechin and therefore not to proceed with a referral to the Procurator Fiscal. The Committee also agreed that a Report estimating the cost to the Council in pursuing this matter be submitted to the next available meeting, the Report to be considered in private;
 - (iii) to note no further progress at Brechin Road, Tayock, Montrose;
 - (iv) to note that a Planning Contravention Notice had been served on the owner of 5 Park Avenue, Carnoustie on 3 October 2008 which was required to be returned by 24 October 2008;
- Councillor Rymer, having declared an interest at item 2 above, left the meeting during consideration of case number (v) below.*
- (v) to note that an amenity notice had been served in respect of the removal of the soil heap at Henderson Park, Loch of Liff Road, Liff;
 - (vi) to note that a report was being prepared for the Procurator Fiscal in respect of the unauthorised placement of a caravan on a site at The Stables, Kirkton of Glenisla;
 - (vii) to note that the bat survey fieldwork had been completed and the report was required to be submitted to the Council by 31 October 2008 in respect of Strathmartine Hospital;
 - (viii) to note that enforcement notices had been served were being prepared in respect of the unauthorised erection of advertising signs and large holdings at Crown Park Estates, Seaton Estate, Arbroath;
 - (ix) to note that planning permission had been granted for improvements to 25-27 Ladybridge Street, Arbroath earlier in the meeting;
 - (x) to note that the residents' caravan at North Mains Croft, Kirriemuir required to be removed by 18 January 2009;
 - (xi) to note that an appeal against refusal of advertisement consent had been dismissed by the Reporter on 10 September 2008 and that the applicant had until 23 October 2008 to appeal to the Court of Session;
 - (xii) to note that notices were currently being prepared in respect of the extension of a garden boundary area without planning consent at Neilston Farm Steading, Kirkinch, by Meigle;
 - (xiii) to note that a planning application had been received in respect of the erection of a new house at Castle House, Balinshoe following the unauthorised demolition of the original building;
 - (xiv) to note that planning permission had been refused for alterations to the original planning permission at the former Drummyellow Steading, Arbroath and that planning contravention notices would be served on 21 October 2008;

- (xv) to note that further arrangements for direct action taking place at Reswallie Mains, Forfar were in the process of being put in place;
- (xvi) to note that a planning contravention notice had been served on the owner of Saughtmont Covert, Skitchen, Arbroath in connection with the unauthorised ground work and excavation being carried out.

30. REVIEW OF ISSUES RELATING TO PLANNING APPLICATION NO 07/00735/FUL - LAND AT LETHNOT ROAD, EDZELL

With reference to Article 24 of the minute of meeting of this Committee of 29 April 2008, there was submitted [Report No 1033/08](#) by the Director of Infrastructure Services which detailed the response from the developer regarding application No 07/00735/FUL. The Report gave background to the matter and the outcome of the issues raised with the MBM Consultants. The Report highlighted that the correspondence with the applicant only reflected the level of disappointment felt by him and did not contain any evidence to show that the application had been dealt with inappropriately.

The Committee agreed to note the position.