

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 23 September 2008 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Iain Gaul and Mark Salmond.

### 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 Fairweather advised that in relation to item 35, application No 08/00912/FUL, he had received a letter/e-mail from an objector which he did not reply to; item 36, enforcement case No 08/00100, he had received a call regarding the enforcement action but had offered no opinion; and item 14, application No 08/01021/FUL, as one of the objectors was known to him. He advised that he would be taking part in the discussion and voting on all items.
- Councillor King declared an interest in item 35, application No 08/00912/FUL, as he had given procedural advice to the objector; item 30, application No 08/00980/FUL, as he had given procedural advice to the agent and item 4 (f the adjourned meeting of this Committee of 25 September 2008) as he had been reported to the Standards Commissioner by the owner of the property. He had advised that he would be taking part in the discussion and voting.
- Councillor Oswald advised that in relation to item 4 (of the adjourned meeting of this Committee of 25 September 2008), enforcement case No 06/00084, she had been reported to the Standards Commissioner by the owner of the property. She advised that she would be taking part in the discussion and voting.
- Councillor Rymer declared an interest in item 31, application No 08/00165/FUL, as he knew one of the objectors; item 32, application No 07/01301/OUT, as he had been approached by one of the objectors, item 4 (of the adjourned meeting of this Committee of 25 September 2008); and case No 06/00084, as he had had a discussion with the owner of the property. He advised that he would be taking part in the discussion and voting of all items.
- Councillor Spink advised that in relation to item 11, application No 08/00321/OUT, he had been contacted by an objector but that he would be taking part in the discussion and voting; and item 32, application No 07/01301/OUT, as his daughter was employed by the applicant and he would not be taking part in the discussion and voting.
- Councillor Valentine declared an interest in item 24, application No 08/01051/FUL, as his mother was a neighbour of the applicant. He advised that he would not be taking part in the discussion and voting.
- Councillor Lumgair declared an interest in item 6, application No 08/00851/FUL, as he frequented the hotel; and item 7, application no 08/00729/FUL, as the applicant's son carried out work for him. He advised that he would not be taking part in the discussion and voting on both these items.

### 3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 2 September 2008](#) was submitted and approved as a correct record and signed by the Convener.

### 4. BUILDING WARRANTS

The Committee noted that during the period 25 August-12 September 2008 a total of 60 Building Warrants, 13 Amendments to Warrants, one Demolition Warrant and one Staged Warrant had been approved with an estimated cost of £5,246,132.

### 5. DELEGATED APPROVALS

There was submitted [Report No 917/08](#) 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 53 applications determined under delegated powers during the period 26 August - 16 September 2008.

#### PLANNING APPLICATIONS

*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.*

### 6. LETHAM HOTEL, 12 THE SQUARE, LETHAM

There was submitted [Report No 918/08](#) by the Director of Infrastructure Services detailing application No 08/00851/FUL by Mr David Herring for the formation of a smoking shelter at Letham Hotel, 12 The Square, Letham. The application was recommended for refusal.

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

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

### 7. SITE AT CROWHEAD WOOD, WELLBANK

There was submitted [Report No 919/08](#) by the Director of Infrastructure Services detailing application No 08/00729/FUL by Mr S Melville for the erection of a chalet for ancillary living accommodation on land at Crowhead Wood, Wellbank. The application was recommended for refusal.

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

The Committee agreed that the application be approved, subject to conditions to be agreed by the Head of Planning and Transport, due to the special circumstances surrounding the application, and agreed that the chalet would require to be removed when no longer required by Mr and Mrs Melville. It was agreed that the conditions be brought back to Committee in due course.

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

### 8. PLOT 1, KIRKTON ROAD, MONIKIE

With reference to Article 10 of the minute of meeting of this Committee of 1 February 2007, there was submitted [Report No 920/08](#) by the Director of Infrastructure Services detailing application No 08/00943/FUL by Mr and Mrs Ireland for the erection of a dwellinghouse on land at Kirkton Road, Monikie. 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 OSWALD, SECONDED BY COUNCILLOR ELLIS, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED AS PREVIOUSLY AGREED, SUBJECT TO THE SECTION 75 AGREEMENT BEING REVOKED AND A CONDITION RESTRICTING THE OCCUPANCY OF THE HOUSE AND THE USE OF THE SITE, THE DETAILS OF WHICH TO SHOULD BE SUBMITTED TO COMMITTEE IN DUE COURSE.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors Brown, Ellis, Fairweather, Oswald, Palmer and Spink (6).

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

**9. LAND AT NETHER CRAIG CARAVAN PARK, KILRY, BLAIRGOWRIE**

There was submitted [Report No 922/08](#) by the Director of Infrastructure Services detailing application No 08/01004/FUL by Mr G McCormack for the change of use from agricultural land to static caravan park, engineering works to include formation of access, roadways, hardstandings, siting of caravans, formation of decking areas, car parking, gas compound, sales area, sewage treatment and landscaping details on land adjacent to Nethercraig Caravan Park, Kilry, Blairgowrie. The application was recommended for approval.

Slides were shown and Councillor Mackintosh, a local member; Mr Clark, an objector; and Mr McCormack, the applicant, addressed the meeting.

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

**10. SITE NORTH OF OLD SMIDDY, MENMUIR, BRECHIN**

There was submitted [Report No 923/08](#) by the Director of Infrastructure Services detailing application No 08/00939/OUT by Mr B Walker for the erection of a dwellinghouse and garage on a site north of Old Smiddy, Menmuir, Brechin.

The Committee noted that the applicant had withdrawn the application.

**11. LAND AT REDCASTLE, LUNAN, BY MONTROSE**

There was submitted [Report No 924/08](#) by the Director of Infrastructure Services detailing application No 08/00321/OUT by Mr J A Cargill for the erection of two dwellings on land at Redcastle, Lunan.

The Committee agreed that the application be deferred for further consideration.

**12. UNIT 2, JOHN STREET WEST, ARBROATH**

There was submitted [Report No 925/08](#) by the Director of Infrastructure Services detailing application No 07/00869/FUL by Mr Douglas Brunton for the erection of industrial storage buildings on Unit 2, John Street West, Arbroath.

The Committee noted that the applicant had withdrawn the application.

**13. 1 LAUDER ROAD, ARBROATH**

There was submitted [Report No 926/08](#) by the Director of Infrastructure Services detailing application No 08/00789/FUL by Mr B Martin for the erection of a garage at 1 Lauder Road, Arbroath. The application was recommended for approval.

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

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

3. That prior to the commencement of development the following details shall be submitted for the written approval of the planning authority:-
  - (a) details of a vertical upstand kerb between the access to the garage and the adjacent pavement;
  - (b) a scheme for the removal of the fence adjacent to the proposed access from the visibility sightline.

Thereafter the approved details shall be fully implemented before the commencement of use of the garage.

#### 14. 12-14 WEST NEWGATE, ARBROATH

There was submitted [Report No 927/08](#) by the Director of Infrastructure Services detailing application No 08/01021/FUL by Mr C Jones and Mr A Soutar for alterations and extension to form three flats at 12-14 West Newgate, Arbroath. The application was recommended for refusal.

Slides were shown and Mr McLeish, 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 Spink, seconded by Councillor Fairweather, moved as an amendment that the application be refused for the reasons detailed in the Report but with the removal of reasons 2 and 3 from the recommendation.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

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

No vote:-

Councillor Palmer.

There being an equality of votes, the Convener exercised his casting vote in favour of the motion resulting in the application being 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.*

#### 15. LAND AT THE FILLING STATION, MONTROSE ROAD, ARBROATH

There was submitted [Report No 928/08](#) by the Director of Infrastructure Services detailing application No 08/01050/OUT by Guild Homes (Tayside) Limited for the erection of four dwellinghouses on land at the Filling Station, Montrose Road, Arbroath. The application was recommended for refusal.

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

Councillor Lumgair, seconded by Councillor King, 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 BE DEFERRED TO ALLOW FURTHER DISCUSSION ON THE APPLICATION REGARDING ACCESS AND THE ENVIRONMENTAL ISSUES.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair and King (2)

For the amendment:-

Councillors Rymer, Andrews, Brown, Ellis, Fairweather, Oswald, Palmer, Spink and Valentine (9).

The amendment was declared carried resulting in the application being deferred to allow for further discussion.

*At this point, 1.15 pm, the Committee agreed to adjourn for lunch and reconvene at 2.00 pm.*

**16. 25 PANMURE STREET, BRECHIN**

There was submitted [Report No 929/08](#) by the Director of Infrastructure Services detailing application Nos 08/00215/FUL and 08/00216/LBC by Mr & Mrs Bruce for replacement windows at 25 Panmure Street, Brechin. The applications were recommended for refusal.

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

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

*Thereafter the Head of Planning and Transport was instructed to investigate the replacement of windows as highlighted in the slides, within the conservation area of Brechin.*

**17. 1 NETHER CALDHAME, BRECHIN**

There was submitted [Report No 930/08](#) by the Director of Infrastructure Services detailing application No 08/01033/FUL by Mr A Ryndycz for the erection of a garage and boundary fence at 1 Nether Caldhame, Brechin.

The Committee noted that the applicant had withdrawn the application.

*Councillor Ellis left the meeting at this point.*

**18. 20B PEARSE STREET, BRECHIN**

There was submitted [Report No 931/08](#) by the Director of Infrastructure Services detailing application No 08/00977/OUT by Mr J Mundie for the erection of a dwellinghouse on garden ground at 20B Pearse Street, Brechin. The application was recommended for refusal.

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

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

**19. CHANGING ROOM AND STORE, NEWTON ROAD, CARNOUSTIE**

There was submitted [Report No 932/08](#) by the Director of Infrastructure Services detailing application No 08/00876/FUL by Carnoustie Y M Football Club for the erection of a new storage container at Newton Road, Carnoustie. The application was recommended for approval.

Slides were shown.

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

**20. 20 WYLLIE STREET, FORFAR**

There was submitted [Report No 933/08](#) by the Director of Infrastructure Services detailing application No 08/01092/FUL by Mr and Mrs Haggart, for the erection of a garage at 20 Wyllie Street, Forfar. 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.

**21. 93-97 CASTLE STREET, FORFAR**

There was submitted [Report No 934/08](#) by the Director of Infrastructure Services detailing application No 08/00958/FUL by Damien Bailey and Nigel Dixon for the change of use from a shop to a coffee shop at 93-97 Castle Street, Forfar. The application was recommended for approval.

Slides were shown.

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

**22. THE FARMERS DEN, 40 BRECHIN ROAD, FORFAR**

There was submitted [Report No 935/08](#) by the Director of Infrastructure Services detailing application No 08/00938/FUL by Coastalsand Ltd for the erection of four flats at the Farmers Den, 40 Brechin Road, Forfar. 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 approved, subject to conditions, to be agreed by the Head of Planning and Transport, as the development would not have a detrimental impact on the surrounding area and was therefore not contrary to Policy H5(G) of the Angus Local Plan.

**23. 15 STIVEN CRESCENT, KIRRIEMUIR**

There was submitted [Report No 936/08](#) by the Director of Infrastructure Services detailing application No 08/01044/FUL by Mr Alan Davie for alterations and extension to a dwellinghouse at 15 Stiven Crescent, Kirriemuir. The application was recommended for refusal.

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

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

**24. THE TOWER, NORTH ESK ROAD, MONTROSE**

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

There was submitted [Report No 937/08](#) by the Director of Infrastructure Services detailing application No 08/01051/FUL by Mr D Reppe for the erection of metal railings and gate, replacement timber boundary fence and car port at The Tower, North Esk Road, Montrose. The application was recommended for approval.

Slides were shown.

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

**25. 116 MURRAY STREET, MONTROSE**

There was submitted [Report No 938/08](#) by the Director of Infrastructure Services detailing application Nos 08/00737/FUL and 08/00738/LBC by Mr G McPherson for the sub-division of a flatted dwellinghouse into two flats at 116 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.

**26. MONIFIETH HOUSE, ALBERT STREET, MONIFIETH**

There was submitted [Report No 939/08](#) by the Director of Infrastructure Services detailing application No 08/00046/FUL by Mr and Mrs Stuart for the erection of three detached dwellings, including alterations to driveway and villa and erection of a new garage on land at Monifieth House, 8 Albert Street, Monifieth. The application was recommended for approval. Slides were shown.

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

**27. GRANGE LEA, 9 VICTORIA STREET, MONIFIETH**

There was submitted [Report No 921/08](#) by the Director of Infrastructure Services detailing application No 08/00830/FUL by Mrs R Law for the erection of four detached dwellings on land at Grange Lea, 9 Victoria Street, Monifieth. The application was recommended for approval.

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

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

*At this point (4 pm), the morning business having been concluded, the Committee agreed to proceed with part 2 of the agenda and deal with the public business first and hear from the consultant on Montreathmont and Mountboy at that point.*

**28. WEST MANSE, BARRY, CARNOUSTIE**

*Following discussion, the Committee agreed to suspend Standing Order 13 in order to allow the applicant to circulate written information and plans.*

There was submitted [Report No 940/08](#) by the Director of Infrastructure Services detailing application No 08/00980/FUL and 08/00981/LBC by D J Laing Homes Ltd for alterations and extension to the former manse and the erection of seven new dwellings at West Manse, Barry, Carnoustie. Application No 08/00980/FUL was recommended for refusal and 08/00981/LBC for approval.

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

**COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE APPLICATIONS BE REFUSED/APPROVED AS DETAILED IN THE REPORT.**

Councillor Oswald, seconded by Councillor Palmer, moved as an amendment that application No 08/00981/LBC be approved as detailed in the Report and whilst accepting that it was a departure from the Angus Local Plan 2000, application No 08/00980/FUL be also approved as it was in the public interest for Barry Manse to be restored and cross-funding was essential. The application, if approved, would be subject to conditions to be agreed by the Head of Planning and Transport.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors King, Oswald, Palmer, Spink and Valentine (5).

There being an equality of votes, the Convener exercised his casting vote in favour of the motion resulting in application No 08/00980/FUL being refused and 08/00981/LBC being approved as detailed in the Report.

**29. LOCHLANDS CARAVAN SITE, LOWNIE, FORFAR**

There was submitted [Report No 941/08](#) by the Director of Infrastructure Services detailing application No 08/00165/FUL by Mr W Stewart for the extension to the caravan site and increase in the number of pitches at Lochlands Caraven Site, Forfar. The application was recommended for approval.

Slides were shown and Mr Cumming, an objector and Miss Fox, the applicant's agent, addressed the meeting.

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

**30. PHASE 2, SLATEFIELD RISE, FORFAR**

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

There was submitted [Report No 942/08](#) by the Director of Infrastructure Services detailing application No 07/01301/OUT by Select Homes (Tayside) Limited for the erection of seven dwellinghouses on land at Slatefield Rise, Forfar. The application was recommended for approval.

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

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR KING, MOVED THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT, SUBJECT TO AN ADDITIONAL CONDITION REQUIRING THE ROAD BETWEEN THE SITE AND THE A932 PUBLIC ROAD TO BE BROUGHT UP TO ADOPTABLE STANDARDS.

Councillor Oswald, seconded by Councillor Brown, moved as an amendment that the application be approved but for five houses only.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors Brown, Fairweather, Oswald and Valentine (4).

No vote:-

Councillor Palmer.

Not Present:-

Councillor Spink.

There being an equality of votes, the Convener exercised his casting vote in favour of the motion resulting in the application being approved as detailed in the Report, subject to the following additional condition:-

- "9. That prior to the commencement of any development on the site, the road between the site and the A932 public road shall be brought up to adoptable standards to the satisfaction of the planning authority.

Reason:-

In the interests of roads traffic and/or pedestrian safety."

**31. LAND AT PATHEAD NURSERY, FORFAR ROAD, KIRRIEMUIR**

*The Committee agreed to suspend Standing Order 13 in order to allow the applicant to circulate written information and plans.*

There was submitted [Report No 943/08](#) by the Director of Infrastructure Services detailing application No 08/00699/OUT by Elite Homes (Tayside) Ltd for the erection of six dwellinghouses on land at Pathead Nursery, Forfar Road, Kirriemuir. The application was recommended for refusal.

Slides were shown and Mrs Clark, the applicant's agent, addressed the meeting.

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

**32. SITE EAST OF A930 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE, CARNOUSTIE**

With reference to Article 24 of the minute of meeting of this Committee of 2 September 2008, there was submitted [Report No 944/08](#) by the Director of Infrastructure Services detailing conditions to be attached to planning application No 08/00666/OUT for the outline erection of petrol station and shop at a site east of the A930, 400m south of Muirdrum junction, Carlogie, Carnoustie.

The Committee approved the conditions as detailed in the Report and the following additional condition:-

- "16. That the application for approval of the reserved matters shall include details of the shop associated with the petrol station. The submitted details shall identify the proposed retail floorspace and the range of goods to be sold from the shop.

Reason:-

In the interests of sustaining the vitality and viability of Carnoustie Town Centre."

**33. LAND AT FORMER DRUMYELLOW STEADING, DRUMYELLOW, ARBROATH**

There was submitted [Report No 945/08](#) by the Director of Infrastructure Services detailing application No 08/00912/FUL by Jack Developments Ltd for the conversion of a steading to three dwellings on land at the former Drummyellow Steading, Drummyellow, Arbroath. The application was recommended for refusal.

Slides were shown and Mrs Rhind, an objector, 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.

*At this point, 6.50 pm, the Committee agreed to adjourn for 30 minutes and resumed consideration of the business at 7.20 pm.*

**34. EXCLUSION OF PUBLIC AND PRESS**

Having heard from the Head of Law and Administration, the Committee agreed that in accordance with Standing Order 36(2), the following item be considered as exempt due to the need for legal advice to be given.

**35. MONTREATHMONT AND MOUNTBOY: UPDATE ON PUBLIC INQUIRY**

There was submitted [Report No 947/08](#) by the Director of Infrastructure Services which detailed an update on the current arrangements for the Public Local Inquiry into the proposed wind farm developments at Mountboy, Rossie Moor, Montrose and Montreathmont Moor, Friockheim.

Consultants Ironside Farar were present and addressed the meeting.

*At this point (8.20 pm) the Committee agreed to adjourn this matter until the meeting of the Committee scheduled for Thursday 25 September when it would be considered at the conclusion of the normal business set for that day. It was also agreed that the remainder of the business (i.e. items 36 and 37 on the published agenda) be carried forward to the same meeting.*