

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Thursday 25 September 2008 at 10.00 am.

Present: Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, COLIN BROWN, 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 Frank Ellis, Iain Gaul and Mark Salmond.

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

The Committee agreed to note that no declarations of interest were made.

3. LAND AT WESTER RESTENNETH, MONTROSE ROAD, FORFAR

With reference to Article 34 of the minute of meeting of this Committee of 12 August 2008, there was submitted [Report No 908/08](#) by the Director of Infrastructure Services which detailed planning application No 08/00067/FUL for the erection of a residential development comprising 100 dwellinghouses, and application No 08/00861/FUL for the earthworks associated with the residential development, by Gladevale (North East Scotland) Limited on land at Wester Restenneth, Montrose Road, Forfar. The application had been deferred by Committee at its meeting on 12 August 2008 in order to allow officers from various divisions to provide confirmation on statements made by the applicant. The Committee had sought confirmation on matters, including contaminated land, primary school capacity, affordable housing, open space maintenance and plot sizes. The Report therefore had to be read in conjunction with Report No 727/08, a copy of which was appended to Report No 908/08.

Slides were shown and Mrs Napier, Forfar Community Council and Mr Neil Davidson, Managing Director of Gladevale, addressed the meeting.

After detailed discussion and after various questions had been answered, the Committee agreed that the application be approved as detailed in Report No 727/08, subject to amended conditions 8, 9, 11 and 16 and additional conditions 17 and 18 all as detailed in Report No 908/08.

The Committee then proceeded to consider matters that had been deferred from the meeting on 23 September 2008.

4. ENFORCEMENT UPDATE

There was submitted [Report No 946/08](#) 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 that the Interdict to avoid the situation arising again at 1 Broomwell Gardens, Monikie was underway and that updated costs would be submitted to the next available meeting;
- (ii) to note that no further progress had taken place at 18 Caldhome Gardens, Brechin but that the case would be submitted to the Procurator Fiscal shortly;
- (iii) to note no further progress at Brechin Road, Tayock, Montrose;
- (iv) to note that the applicant had until 26 September 2008 to appeal to the Court of Session regarding the refusal by Angus Council to permit the erection of a smokers'

shelter at 5 Park Avenue, Carnoustie; and that if after that date, the shelter had not been removed, enforcement action would commence;

- (v) that an amenity notice or breach of condition notice be served in respect of the soil heap at Henderson Park, Loch of Liff Road, Liff;
- (vi) to note the position with regard to the unauthorised placement of a caravan on a site at the Stables, Kirkton of Glenisla and that the owner had until 28 September 2008 to comply with Enforcement Notice;
- (vii) to note no further progress in respect of Strathmartine Hospital;
- (viii) to note no further progress in respect of Crown Park Estates, Seaton Estate, Arbroath;
- (ix) 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 21 October 2008;
- (x) that the residential 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 Neilson 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, Ballinshoe following the unauthorised demolition of the original building;
- (xiv) to note that the planning application in respect of the former Drummyellow Steading, Arbroath had been considered earlier in the meeting (item 35 - minute of meeting of 23 September 2008);
- (xv) to note that quotations were currently being sought for the removal of the unauthorised vehicles at Reswallie Mains, Forfar; and
- (xvii) to note that the applicant had been informed that planning permission was required for the work being carried out at Saughton Covert and that officers within Law and Administration were undertaking a search via the Land Register to confirm the owner of the land to enable a Planning Contravention Notice to be served.

5. PLANNING APPEAL DECISIONS

(a) St James House, St James Road, Forfar

With reference to Article 27 of the minute of meeting of this Committee of 23 October 2007, there was submitted [Report No 948/08](#) by the Director of Infrastructure Services which detailed the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for the erection of 4795 square metres of Class 1 non-food retail, residential (43 units) car parking, access and road improvements, landscaping and town centre pedestrian link at St James House and St James Works, St James Road/New Road, Forfar. The Reporter had indicated that he was minded to sustain the appeal and grant conditional planning permission, subject to the conclusion of a Section 75 legal agreement. The Reporter had also determined that the Council had acted in an unreasonable manner and had made an award of expenses against the Council.

The Committee agreed to note the outcome of the appeal.

(b) Land at Abbeybank House, Springfield Terrace, Arbroath

With reference to Article 20 on the minute of meeting of 12 July 2007, there was submitted [Report No 949/08](#) by the Director of Infrastructure Services which detailed the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for the erection of five houses on garden ground at Abbeybank House, Springfield Terrace, Arbroath.

The Committee noted that the Appeal had been dismissed and planning permission refused.

(c) 242 High Street, Arbroath

With reference to Article 7 of the minute of meeting of this Committee of 8 April 2008, there was submitted [Report No 950/08](#) 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 to grant advertisement consent for the erection of advertisement signage at 242 High Street, Arbroath.

Slides were shown.

The Committee noted that the Appeal had been dismissed and advertisement consent refused.

(d) The Golf Inn, Park Avenue, Carnoustie

With reference to Article 9 of the minute of meeting of this Committee of 19 February 2008, there was submitted [Report No 951/08](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against Condition 3 of planning permission 07/01743/FUL for the formation of a smoking shelter at Golf Inn, 5 Park Avenue, Carnoustie.

The Committee noted that the Appeal had been dismissed and the discharge of Condition 3 refused.

(e) 79 Grangehill Drive, Monifieth

With reference to Article 12 of the minute of meeting of this Committee of 11 March 2008, there was submitted [Report No 952/08](#) 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 to grant consent for alterations to a dwellinghouse at 79 Grangehill Drive, Monifieth.

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

6. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved in terms Standing Order 27(2) that the public and press should be excluded during consideration of the following item so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 12.

7. MONTREATHMONT AND MOUNTBOY: UPDATE ON PUBLIC INQUIRY

With reference to Article 35 of the minute of meeting of this Committee of 23 September 2008, 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. The Report also sought Committee approval for the submission of further documents to the Inquiry, for the proposed Statement of Case for Montreathmont and up dated position statement on landscape and visual matters for Mountboy, which would form the basis of the case to be presented on behalf of the Council at the forthcoming Inquiry into both proposals.

Slides were shown and Dr Wimbale, Ironside Farrar, addressed the meeting.

Thereafter, the Committee agreed:-

- (i) to note that the Directorate of Planning and Environmental Appeals (DPEA) had determined to conjoin the planning appeals for Mountboy and Montreathmont Moor and hold one Public Local Inquiry;
- (ii) to note the contents of the Mountboy Annex A and Montreathmont Moor Annex B Audits of Environmental Assessments prepared by Ironside Farrar and agree that these be used as the basis of finalised reports for submitted to the forthcoming Public Local Inquiry;
- (iii) that Annex C (Angus Windfarms Landscape Capacity and Cumulative Impacts Study) prepared by Ironside Farrar form the basis of a finalised report for submission to the forthcoming Public Local Inquiry;
- (iv) to approve the position statement on landscape and visual impact matters for Mountboy and to authorise the preparation and submission of an updated Statement of Case for Mountboy to reflect the position (Annex D);
- (v) to approve Annex D (Statement of Case for Montreathmont Moor) which provided the particulars of the case to be presented at the Inquiry; and
- (vi) that a visit to a wind farm be arranged as soon as possible for all members of the Council.

Members were advised that in respect of appeals against non-determination of planning applications that as a consequence of required timescales it would not all always be possible to obtain Committee approval in terms of the Statement of Case and in such incidences the case would be forwarded to the Directorate for Planning and Environmental Appeals on the basis of officer comments.