

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 29 April 2008 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Frank Ellis.

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:-

- Councillors Andrews, Rymer, King, Palmer and Salmond declared an interest in item 5, application No 08/00310/ADV as the objector was known to them. They advised that they would be taking part in the discussion and voting.
- Councillor Gaul declared an interest in item 8, application No. 08/00098/FUL, as he was a friend of the objector. He advised that he would not be taking part in the discussion and voting.
- Councillors Rymer and Gaul declared an interest in item 13, application No 08/00078/FUL. Councillor Rymer knew the objectors and Councillor Gaul advised that he had attended a presentation by Airtricity and had received copious correspondence on the application. Both advised that they would be taking part in the discussion and voting.
- Councillor Lumgair declared an interest in item 14, application No 08/00276/FUL, as he was a friend of the applicant; in item 15, application No 08/00323/FUL, as he was related to the applicant; and in item No 16, application No 08/00211/OUT, as he was a friend of the applicant. He advised that he would not be taking part in the discussion and voting on all three items.
- Councillor Rymer declared an interest in item 19, application No 07/00018/FUL, as he had had contact with the objector. He advised that he would be taking part in the discussion and voting.
- Councillor Leslie Melville declared an interest in item 22, application No 06/00084, as she was a close relative of the person involved. She indicated that she would not take part in the discussion and voting.
- Councillors, Lumgair, Rymer, Andrews, Brown, Gaul, King, Oswald, Palmer, Salmond, Spink and Valentine intimated that they had received, in respect of item 22, case No 06/00084, an email from the owner of the ground. They advised that they would be taking part in the discussion and voting.

3. BUILDING WARRANTS

The Committee noted that during the period 28 March - 18 April 2008, a total of 1 Staged Warrant, 8 Amendments to Warrants and 64 Building Warrants had been approved with an estimated cost of £7,175,574.

PLANNING APPLICATIONS

4. DELEGATED APPROVALS

There was submitted [Report No 428/08](#) 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 57 applications determined under delegated powers during the period 31 March - 22 April 2008.

5. ARBROATH CRICKET CLUB, KEPTIE ROAD, ARBROATH

There was submitted [Report No 429/08](#) by the Director of Infrastructure Services detailing application No 08/00310/ADV for the erection of advertisement signs at Arbroath United Cricket Club, Lochlands Park, Keptie Road, Arbroath. The application was recommended for approval.

Slides were shown.

Councillor Lumgair, seconded by Councillor Rymer moved that the application be approved as detailed in the Report, subject to an additional condition requiring the signs at Keptie Road side being turned to face inwards.

COUNCILLOR KING, SECONDED BY COUNCILLOR LESLIE MELVILLE, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair and Rymer (2).

For the amendment:-

Councillors Andrews, Brown, Gaul, King, Leslie Melville, Oswald, Palmer, Salmond, Spink and Valentine (10).

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

6. PRIMROSE COTTAGE, ST VIGEANS, ARBROATH

There was submitted [Report No 430/08](#) by the Director of Infrastructure Services detailing application No 08/00343/OUT by Mr and Mrs Benecke for the erection of a dwellinghouse on land at Primrose Cottage, St Vigeans, 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.

7. LAND AT BUS DEPOT, CAIRNIE LOAN, ARBROATH

There was submitted [Report No 431/08](#) by the Director of Infrastructure Services detailing application No 07/01293/FUL by Mr and Mrs C Riddler for the erection of five dwellinghouses on land at the Bus Depot, Cairnie Loan, Arbroath. The application was recommended for refusal.

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

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

8. RENILSON & ALLARDYCE LTD., MARKET STREET, FORFAR

There was submitted [Report No 433/08](#) by the Director of Infrastructure Services detailing application No 08/00098/FUL by FMS Construction Ltd for the demolition of an existing building and the erection of eight flats at Market Street, Forfar. The application was recommended for approval.

Slides were shown.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT.

Councillor Oswald, seconded by Councillor Spink, moved as an amendment, that the application be approved subject to the applicant contributing £500 per unit for the provision of open space.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, Brown, Leslie Melville and Salmond (6).

For the amendment:-

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

The motion was declared carried resulting in the application being approved as detailed in the Report.

9. GROUND AT LINDSAY STREET, KIRRIEMUIR

There was submitted [Report No 434/08](#) by the Director of Infrastructure Services detailing application No 08/00218/FUL by Milnebank Ltd. for the erection of two dwellinghouses on ground at Lindsay Street, Kirriemuir. The application was recommended for approval.

Slides were shown and Ms Clark, an objector, addressed the meeting.

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

10. SITE AT NORTH MAINS ROAD, KIRRIEMUIR

There was submitted [Report No 435/08](#) by the Director of Infrastructure Services detailing application No 08/00223/OUT by Mr W Stewart for the demolition of existing sheds and the erection of a dwellinghouse on a site at North Mains Road, Kirriemuir. The application was recommended for refusal.

Slides were shown.

The Committee agreed:-

- (i) that the application be refused for the reasons detailed in the Report;
- (ii) that enforcement action commence to ensure the removal of the static caravan and free standing toilet/shower block from the site; and
- (iii) that the apparent breach of the Section 75 Agreement for the house on the neighbouring land be investigated.

11. GROUND AT BROOMFIELD ROAD, MONTROSE

There was submitted [Report No 436/08](#) by the Director of Infrastructure Services detailing application No 08/00189/OUT by Mr and Mrs J Forbes for the erection of two dwellinghouses on ground at Broomfield Road, Montrose. The application was recommended for approval.

Slides were shown.

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

12. COONAWARRA, 2 MILTON OF CONON COTTAGES, CARMYLLIE, ARBROATH

There was submitted [Report No 437/08](#) by the Director of Infrastructure Services detailing application No 08/00169/FUL by Mr and Mrs White for the alterations to a dwellinghouse at Coonawarra, 2 Milton of Conon Cottages, Carmyllie, Arbroath.

The Committee noted that the applicant had withdrawn the application.

13. LAND AT MILE HILL, BALINTORE, BY KIRRIEMUIR

There was submitted [Report No 438/08](#) by the Director of Infrastructure Services detailing application No 08/00078/FUL by Airtricity Developments (UK) Ltd for the erection of an anemometer mast for 24 months on land at Mile Hill, Balintore, by Kirriemuir. The application was recommended for approval.

Slides were shown and Mrs Beckett, an objector addressed the meeting. A letter was also circulated on behalf of Mrs Smith, also an objector, who had in the opinion of the Committee, a justifiable reason for being unable to address the meeting in person.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR KING, 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 deferred to give planning officers the opportunity to check with Airtricity as to whether they had considered other alternative sites.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Brown, King, Leslie Melville, Spink and Valentine (7).

For the amendment:-

Councillors Andrews, Gaul, Oswald, Palmer and Salmond (5).

The motion was declared carried resulting in the application being approved as detailed in the Report.

Councillor Lumgair, having declared an interest at item 2 above, left the meeting during consideration of items 14, 15 and 16. Councillor Rymer took the chair.

14. LAND AT 6 DUNDEE STREET, LETHAM

There was submitted [Report No 439/08](#) by the Director of Infrastructure Services detailing application No 08/00276/FUL by I Lawson for the erection of two dwellinghouses on land at 6 Dundee Street, Letham. The application was recommended for refusal.

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

Following discussion, the Committee agreed that the application be deferred in order to allow the applicant to withdraw the application and re-submit a revised application in due course.

15. BURNSIDE OF TULLOES, KIRKBUDDO, FORFAR

There was submitted [Report No 440/08](#) by the Director of Infrastructure Services detailing application No 08/00323/FUL by Mr D Lumgair for the erection of an agricultural building at Burnside of Tulloes, Kirkbuddo. The application was recommended for approval.

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

16. SITE AT GARDEN COTTAGE, MAINS OF ARDESTIE, ARDESTIE, MONIFIETH

There was submitted [Report No 441/08](#) by the Director of Infrastructure Services detailing application No 08/00211/OUT by Mr Smith for the erection of a dwellinghouse and garage on a site at Garden Cottage, Mains of Ardestie, Ardestie, Monifieth. The application was recommended for refusal.

Slides were shown.

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

17. LAND ADJACENT TO LUMLEY DEN COTTAGE, TEALING

There was submitted [Report No 443/08](#) by the Director of Infrastructure Services detailing application No 08/00188/OUT by Mr N Hutcheson for the erection of a dwellinghouse on land adjacent to Lumley Den Cottage, Tealing. The application was recommended for refusal.

Slides were shown.

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

Councillor Leslie Melville left the meeting at this stage.

18. SITE AT EAST MAINS FARM, HIGH STREET, EDZELL

There was submitted [Report No 445/08](#) by the Director of Infrastructure Services detailing application No 07/01413/FUL by DLB Scotland Ltd for the demolition of an agricultural building and the erection of 13 dwellinghouses on a site at East Mains Farm, High Street, Edzell. The application was recommended for approval.

Slides were shown.

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

19. BALGOWNIE FARM STEADINGS, EASSIE

There was submitted [Report No 446/08](#) by the Director of Infrastructure Services detailing application No 07/00018/FUL by Kenneth Whyte for the conversion of a farm steading to create six dwellinghouses on land at Balgownie Farm Steadings, Eassie. The application was recommended for approval.

Slides were shown.

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

20. LAND AT CROFT FARM, CARMYLLIE

There was submitted [Report No 447/08](#) by the Director of Infrastructure Services detailing application No 06/01364/OUT by Redford Homes Ltd for the erection of 20 dwellinghouses on land at Croft Farm, Carmyllie, Arbroath. The application was recommended for approval.

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

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 following item and then reconvene at 2.00 pm.

21. 3 DURIEHILL ROAD, EDZELL

There was submitted [Report No 448/08](#) by the Director of Infrastructure Services detailing application No 08/00308/FUL by Mr and Mrs D Philip for the alterations and extension to a dwellinghouse at 3 Duriehill Road, Edzell. The application was recommended for refusal.

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

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

Councillor Salmond left the meeting at this stage.

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

22. ENFORCEMENT UPDATE

There was submitted [Report No 449/08](#) by the Director of Infrastructure Services updating members on the progress of enforcement action previously agreed by the Committee.

The Committee agreed to note the contents of the Report.

23. ANGUS LOCAL PLAN - SUPPLEMENTARY PLANNING GUIDANCE: GUIDELINES FOR FARM BUILDING CONVERSIONS

With reference to Article 23 of the minute of meeting of the Infrastructure Services Committee of 22 April 2008, there was submitted [Report No 403/08](#) by the Director of Infrastructure Services detailing a proposed response to the consultation on the draft Supplementary Planning Guidance and finalising the guidance that would assist in considering development proposals under Angus Local Plan Policy H12 Farm Building Conversions.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report and the amendments to the response as agreed by the Infrastructure Services Committee; and
- (ii) that the finalised Supplementary Guidance would be a material consideration in dealing with relevant planning applications.

24. REVIEW OF ISSUES RELATING TO PLANNING APPLICATION 07/00735/FUL - LAND AT LETHNOT ROAD, EDZELL

With reference to Article 5 of the minute of meeting of Angus Council of 27 March 2008, there was submitted [Report No 450/08](#) by the Director of Infrastructure Services, which detailed the events leading up to the recent decision to refuse a planning application at Lethnot Road, Edzell.

COUNCILLOR KING, SECONDED BY COUNCILLOR GAUL, MOVED THAT THE MATTER BE REMITTED BACK TO THE DIRECTOR OF INFRASTRUCTURE SERVICES TO CONTACT THE APPLICANT OF APPLICATION NO 07/00735/FUL, LAND AT LETHNOT ROAD, EDZELL, TO ASCERTAIN THEIR VIEWS ON THE MATTER.

Councillor Lumgair, seconded by Councillor Rymer, moved as an amendment, that the Report be noted.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

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

The motion was declared carried and became the find of the meeting.

25. PLANNING APPEAL DECISIONS

(a) Garden Ground at Wellbank Cottages, Wellbank

With reference to Article 13 of the minute of meeting of this Committee of 21 June 2007, there was submitted [Report No 451/08](#) 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 planning permission for the erection of a dwellinghouse at garden ground at Wellbank Cottages, Wellbank.

The Committee noted that the appeal had been upheld.

(b) Ground at Cliffturn Road, Arbroath

With reference to Article 21 of the minute of meeting of this Committee of 25 September 2007, there was submitted [Report No 452/08](#) 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 121 dwellinghouses on ground at Cliffturn Road, Arbroath.

The Committee noted that the appeal had been upheld.

(c) Site Adjacent to Ambulance Depot, Victoria Street, Monifieth

With reference to Article 23 of the minute of meeting of this Committee of 14 August 2007, there was submitted [Report No 453/08](#) 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 retention of a 25m telecommunications mast and associated equipment and addition of three antennas, two dishes and one cabinet at a site adjacent to the Ambulance Depot, Victoria Street, Monifieth.

The Committee noted that the appeal had been upheld.