

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 15 September 2015 at 12.22 pm.

**Present:** Councillors DAVID LUMGAIR, BILL BOWLES, BILL DUFF and ALEX KING.

Councillor LUMGAIR, Convener, in the Chair.

### 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Bob Spink and Jeanette Gaul with Councillor Bill Duff substituting for Councillor Gaul.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 18 August 2015 was approved as a correct record and signed by the Convener.

### 4. LAND 450M SOUTH OF FINAVON HOUSE, FINAVON, FORFAR

There was submitted Report No 359/15 by the Head of Legal and Democratic Services, detailing an application for a review of the decision taken by the Planning Authority in respect of the refusal of planning permission for the erection of a wind turbine of 40m to hub height and 67m to blade tip and ancillary development, application No 14/00827/FULL, at Land 450m south of Finavon House, Finavon, Forfar.

The Committee noted that an unaccompanied site visit had taken place earlier that day. The Committee then gave careful consideration to the papers submitted by the appointed person and by the applicant and determined that they had sufficient information to consider the review at this meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR DUFF, MOVED THAT THE APPEAL BE UPHELD AND THE APPLICATION APPROVED AS THE SITE SELECTED WOULD BE CAPABLE OF ABSORBING THE PROPOSED DEVELOPMENT AND AS THE PROPOSED TURBINE WOULD NOT RESULT IN UNACCEPTABLE ADVERSE LANDSCAPE IMPACTS, AND WAS THEREFORE IN COMPLIANCE WITH POLICIES ER5(A) AND ER34(B) OF THE ANGUS LOCAL PLAN REVIEW.

Councillor Bowles, seconded by Councillor King, moved as an amendment, that the Service Manager's (Planning) decision be endorsed and the review dismissed as the decision to refuse the application was in accordance with the Council's Local Plan Policy.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair and Duff (2).

For the amendment:-

Councillors Bowles and King (2).

There being an equality of votes, the Convener exercised his casting vote in favour of the motion resulting in the appeal being upheld and the application approved, subject to the appropriate conditions being submitted to the next meeting of this Committee for members' consideration.

## 5. 2 LORNE CRESCENT, MONIFIETH

There was submitted Report No 360/15 by the Head of Legal and Democratic Services, detailing an application for a review of the conditions imposed on application No 15/00154/FULL, in respect of planning permission – conditional approval for internal alterations, rear and side extension and new boundary treatment at 2 Lorne Crescent, Monifieth.

The Committee gave careful consideration to the papers submitted by the appointed person and by the applicant and determined that they had sufficient information to consider the review at this meeting.

Following discussion, the Committee agreed that the decision to impose the conditions was in accordance with the Council's Local Plan Policy. The Service Manager's (Planning) decision was endorsed and accordingly the review dismissed.

## 6. LAND 600M WEST OF WITTON FARM, LETHNOT, EDZELL

With reference to Article 5 of the minute of meeting of this Committee of 9 July 2015, there was submitted Report No 361/15 by the Head of Legal and Democratic Services advising members of circumstances that had arisen in connection with planning application No 14/00669/FULL in respect of the erection of two wind turbines of 50 metres to hub height and 74 metres to blade tip, temporary anemometer mast and ancillary development at land 600 metres West of Witton Farm, Lethnot, Edzell. The Report also sought approval for further procedure.

The Report indicated that since the Committee had determined to uphold the review and approve the application subject to the appropriate conditions being submitted to a future meeting of this Committee, it had been ascertained that the RSPB had submitted advice to the Council by email dated 8 September 2014. The Planning Service had no record or receipt of that email communication and the circumstances surrounding that were being investigated. Notwithstanding that, it appeared that the RSPB had sought to make representations timeously but its comments had not been taken into account in the consideration of the application by either the appointed officer or by this Committee. As no formal decision had been made in law, it was submitted that the Committee had the opportunity of addressing what had transpired. It was therefore recommended that the way to do this would be to seek the views of the applicant and the appointed officer, who may also require to consult with Scottish Natural Heritage, on the terms of the advice dated 8 September 2014. Further procedure would then be determined having regard to the views of the applicant and the appointed officer on the advice submitted by the RSPB.

Having heard from the Head of Legal and Democratic Service's representative, the Committee agreed:-

- (i) to note the circumstances that had arisen in connection with this application;
- (ii) to note that an apology had been issued to the applicant in respect of what had transpired and an assurance given that the Council's Development Standards Service were looking into the circumstances which led to this situation arising with a view to ensuring that there was no re-occurrence; and
- (iii) that the views of the applicant and the appointed officer, who may require to consult with Scottish Natural Heritage, be sought on the terms of the advice dated 8 September 2014 submitted by the RSPB and that further procedure be determined having regard to the views of the applicant on the advice submitted by the RSPB.

## 7. 2 WESTCROFT COTTAGES, CARMYLLIE, ARBROATH

With reference to Article 4 of the minute of meeting of this Committee of 18 August 2015, there was submitted Report No 362/15 by the Head of Legal and Democratic Services, detailing proposed conditions for planning application No 15/00213/FULL, following this Committee's decision to uphold the review and grant planning permission in respect of the change of use from garden area to car sales display area (retrospective) at 2 Westcroft Cottages, Carmyllie, Arbroath.

The Committee agreed to approve the conditions, as detailed in the Appendix to the Report, subject to the following amended conditions:-

- '(1) that the use hereby approved shall be operated only by the S M Trading, occupants of 2 Westcroft Cottages, Carmyllie, Arbroath and by no other person'; and
- '(4) that within 1 month of the date of this permission a plan that identifies two customer parking spaces within the application site shall be submitted for the approval of the Planning Authority. Thereafter, the two customer parking spaces shall be made available and shall be retained for that purpose for the duration of the use.'