

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 6 October 2015 at 10.00 am.

Present: Councillors ROB MURRAY, BILL BOWLES, LYNNE DEVINE, MAIRI EVANS, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, ALEX KING, DAVID LUMGAIR and IAN McLAREN.

Councillor MURRAY, Convener, in the Chair.

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

- Councillor Devine declared an interest in Item 7, Report No 392/15, as she was a close friend of one of the objectors. She indicated that she would not take part in discussion and voting and would therefore leave the meeting during consideration of the item.
- Councillor Lumgair declared an interest in Item 7, Report No 392/15, as the landowner was a friend and neighbour. He indicated that he would not take part in discussion and voting and would therefore leave the meeting during consideration of the item.
- Councillor McLaren declared an interest in Item 6 as he was a close friend of the applicant. He indicated that as the item was for noting only he would remain in the meeting however, if there was to be any discussion and voting, he would leave the meeting during consideration of the item. Councillor McLaren also declared an interest in Item 7, Report No 392/15, as he had been contacted by a number of constituents. He indicated that he had made no comment or reply and would therefore take part in any discussion and voting.

3. BUILDING WARRANTS

The Committee noted that during the period 7 to 25 September 2015, a total of 57 Building Warrants, 2 Demolition Warrants and 11 Amendments to Warrant had been approved with an estimated cost of £3,070,650.

4. DELEGATED DECISIONS

The Committee noted that during the period 5 to 26 September 2015, a total of 56 planning applications had been approved and 2 refused under the Scheme of Delegation to officers.

5. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 15 September 2015 was submitted, approved as a correct record and signed by the Convener.

PLANNING APPLICATIONS

6. LAND AT GOWANBANK, ARBROATH ROAD, FORFAR

Members were reminded that this Committee, at its meeting on 5 August 2014, had resolved to approve planning application No 14/00313/PPPM – erection of 63 houses including access, landscaping, associated works and demolition of property (Rosewood) on land at Gowanbank, Arbroath Road, Forfar, subject to the conclusion of a planning obligation. The terms of that obligation required a financial contribution of £3,000 per house towards the cost of mitigating impact of the development on schools. However, during the process of preparing the planning obligation, issues had emerged regarding the applicant's ownership of the site and the obligation had therefore not been concluded. As the decision had not been issued, the planning authority was required to have regard to any material change in circumstance in the intervening period. In that respect, the Education Service had highlighted

issues regarding increased pressure on the capacity of Forfar Academy due to the cumulative impact of the development.

Additionally, the Council had approved Report No 345/15 which set out guidance for assessing and calculating developer contributions to meet educational requirements arising from housing developments. The Education Service had indicated that a revised contribution of £5,100 per house (excluding affordable and single bedroom units) would be required. The contribution would be secured by a planning condition requiring the applicant to enter into an appropriate planning obligation. This approach was consistent with the decision taken by Committee in respect of planning application No 13/01001/PPPM for housing development on land west of Forfar Academy, Kirriemuir Road, Forfar (Report 353/15 refers).

The Committee agreed to note the position.

Having declared an interest at Article 2 above, Councillors Devine and Lumgair left the meeting during consideration of the following item.

7. FIELD 225M NORTH EAST OF PRESSOCK FARM, PRESSOCK, GUTHRIE

There was submitted Report No 392/15 by the Head of Planning and Place detailing application No 15/00330/FULL by Green Power Consultants for the installation of a solar farm up to 5MW and associated development at field 225m north east of Pressock Farm, Pressock, Guthrie. The application was recommended for conditional approval.

Slides were shown, following which officers responded to questions from Councillors Fotheringham, Bowles and King regarding flood risks, prime agricultural land and the suitability of the road network.

Thereafter, Mr David Wood, an objector; Mrs Gill Lawrie and Mr Martin Hogarth, supporters; Mr Gillanders, on behalf of Mr Graham Fraser, and Mr Alistair Fraser, Joint Landowners; and Mr Andrew Philpott, AAH Planning Consultants, the applicants' agent, addressed the meeting.

The Committee agreed that the application be approved for the reasons and subject to the conditions as detailed in section 10 of the Report, subject to the following amended condition:-

- '3. That prior to the commencement of any works in connection with the planning permission hereby approved a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the further written approval of the planning authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by condition 1 of this planning permission.

Reason: In order to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.'

8. FACTORY 6, BADEN POWELL ROAD, KIRKTON INDUSTRIAL ESTATE, ARBROATH

There was submitted Report No 393/15 by the Head of Planning and Place detailing application No 15/00761/FULL by Multi Packaging Solutions for the extension of an existing factory unit with the provision of additional parking and loading bay at Factory 6, Baden Powell Road, Kirkton Industrial Estate, Arbroath. The application was recommended for conditional approval.

The Committee noted that as one of the objectors had withdrawn their objection, the application would be considered under the Scheme of Delegation to Officers.

9. PROPOSAL OF APPLICATION NOTICE – LAND 150M SOUTH EAST OF 31 ELM RISE, BALDOVIE

There was submitted Report No 394/15 by the Head of Planning and Place advising as to a Proposal of Application Notice No 15/00880/PAN submitted in respect of a residential development and associated works on a site to the north and east of Elm Rise, to the east of Silver Birch Drive and to the north west of Hawthorn Grove, Baldovie, by Dundee. The Committee was invited to identify issues which it would like to see addressed in the planning application.

The Committee agreed to note the key issues identified by officers at this stage as set out in paragraph 5.6 of the Report, subject to the inclusion of consideration of the potential impacts of the development on existing healthcare provision.

10. SCOTTISH MINISTERS DECISION – PLANNING APPLICATION AT FORMER STRATHMARTINE HOSPITAL, DUNDEE

There was submitted Report No 395/15 by the Head of Planning and Place confirming that Scottish Ministers had indicated an intention to grant planning permission in principle for redevelopment of former hospital site to include new build and conversion to residential and community use and crèche, associated access, landscape and infrastructure works at the former Strathmartine Hospital, Dundee. The Report also provided a copy of the report in relation to the application which was submitted to Ministers by the appointed Reporter.

The Report indicated that Angus Council, at a special meeting on 18 December 2014, resolved to approve planning application No 13/00268/EIAM and subsequently, at a meeting on 12 February 2015, approved proposed Heads of Terms for a planning obligation and planning conditions in respect of the proposal. However, as the application was subject of objection from Dundee City Council, it required notification to Scottish Ministers prior to issue of a decision. Scottish Ministers had issued a direction requiring the application to be referred to them for determination due to the proposed development's potential conflict with TAYplan and with key aspects of Scottish Planning Policy in terms of sustainable development. A Reporter from the Directorate for Planning and Environmental Appeals had been appointed to consider the case on behalf of Ministers and the Reporter's report on the application was provided at Appendix 1.

The Committee agreed to note the outcome of the application which had been called in for determination by Scottish Ministers.

11. CONSULTATION – NEART NA GAOITHE OFFSHORE WIND FARM

With reference to Article 9 of the minute of meeting of this Committee of 6 November 2012, there was submitted Report No 396/15 by the Head of Planning and Place, seeking approval as to the content of a consultation response, as detailed in Appendix 1 to the Report.

The Report indicated that a consultation request had been received from the Scottish Government (Marine Scotland) who had received an application for consent under Section 36C of the Electricity Act 1989 to vary the consent previously granted under the Act for Neart Na Gaoithe Offshore Wind Farm Limited to allow an increase of the maximum rated turbine capacity from 6MW to 7MW, a change in the maximum turbine height from 107.5m to 115m above the Lowest Astronomical Tide (LAT) and a change in the maximum platform height from 18m to 21m above the LAT.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the suggested response, as detailed in Appendix 1 to the Report, and that it be submitted to the Scottish Government (Marine Scotland) in response to the consultation request.

12. ENFORCEMENT UPDATE

There was submitted and noted Report No 357/15 by the Head of Planning and Place advising members on the progress of Enforcement Cases which had been agreed previously by this Committee.