

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 7 March 2017 at 10.00 am.

Present: Councillors ROB MURRAY, BILL DUFF, BILL BOWLES, COLIN BROWN, LYNNE DEVINE, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, JEANETTE GAUL, JIM HOUSTON, ALEX KING, IAN MCLAREN and BOB MYLES.

Also in

Attendance: Councillor RONNIE PROCTOR MBE.

Councillor MURRAY, Convener, in the Chair.

1. **APOLOGIES FOR ABSENCE**

An apology for absence was intimated on behalf of Councillor David Lumgair.

2. **DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT**

Councillor Gaul declared an interest in Item 7, Case No. 17/00008, former Hooks Hotel, Kirriemuir, as she was a Council appointee to the Kirriemuir CARS Steering Group. She indicated that at a recent meeting of the Steering Group, an update had been given in relation to the building and that discussion had been held thereafter. She advised that she would participate in any discussion and voting.

Councillor Fairweather intimated that he would have declared an interest in Item 6, application No. 17/00067/FULL, however he was aware that the application had been withdrawn.

3. **BUILDING WARRANTS**

The Committee noted that during the period 6 to 24 February 2017, a total of 50 Building Warrants, 4 Demolition Warrants and 7 Amendments to Warrant had been approved with an estimated cost of £5,708,441.

4. **DELEGATED DECISIONS**

The Committee noted that during the period 4 to 25 February 2017, a total of 45 planning applications had been approved and 1 refused under the Scheme of Delegation to Officers.

5. **MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 14 February 2017 was approved as a correct record and signed by the Convener.

PLANNING APPLICATIONS

6. **19 SEAGATE, ARBROATH**

There was submitted Report No 111/17 by the Head of Planning and Place detailing application No. 17/00067/FULL by Mr J. Stewart for alteration and extension of a dwellinghouse (further application) at 19 Seagate, Arbroath. The application was recommended for approval.

The Committee noted that the application had been withdrawn.

7. **ENFORCEMENT UPDATE**

There was submitted Report No 112/17 by the Head of Planning and Place advising members on the progress of enforcement cases which had been agreed previously by this Committee.

Councillor Proctor, a local member, addressed the meeting in relation to Case No. 17/00008, former Hooks Hotel, Bank Street, Kirriemuir.

Having heard from the Service Manager (Planning), the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note that, with regard to Case No. 14/00176, St David's Street, Brechin, that the developers had appeared in Forfar Sherriff Court on 23 February 2017 and that the case had been continued without plea until 16 March 2017;
- (iii) to note that, with regard to Case No. 16/00202, Field 440m East of Cross Roads Cottage, Balnuth, Tealing, that an Enforcement Notice was being prepared for service on the owner/occupier of the land;
- (iv) to note that with regard to Case No. 16/00092, Field North of the Bothy, Edzell, that an appeal against the Enforcement Notice had been submitted and that a site visit by the Reporter was scheduled for 8 March 2017; and
- (v) to note that with regard to Case No. 17/00008, Former Hooks Hotel, Bank Street, Kirriemuir, that an extension of the time period had been agreed until 14 March 2017 for the required works to be undertaken and if no progress had been made by that date, contractors would be instructed to undertake the scheduled works at the site and the costs recovered from the owner.

8. SITE DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE

With reference to Article 9 of the minute of meeting of this Committee of 25 August 2015, there was submitted Report No 113/17 by the Head of Planning and Place updating members on the circumstances relative to the enforcement action in respect of the unauthorised use of land for the siting of caravans on land due east of the Knowe, Kinnaber Road, Hillside.

The Report indicated that the Committee had previously authorised enforcement action to secure cessation of use of the land for the siting of caravans. In that respect the matter had been reported to the Procurator Fiscal and it had appeared that the matter would be progressed through the courts with the party responsible for the breach of the enforcement notice prosecuted. However, the Procurator Fiscal had advised that the case would not be pursued and accordingly, the implementation of the subsequent decision to pursue direct action had been delayed due to difficulties in securing operatives to remove the caravans and facilities for their storage. However, Sherriff Officers who were willing to execute the direct action had been identified together with a secure location for the storage of the caravans following their removal.

In the period since the matter had last been considered by Committee, a number of material factors had changed including the adoption of the Angus Local Development Plan, the publication of a Tayplan Partners report on the accommodation needs of Gypsy/Travellers and Travelling Showpeople in the Tayplan area, and the publication of a Consultative Draft Local Housing Strategy. It was therefore appropriate for Committee to consider those matters and to reconsider the enforcement options that were available in respect of the breach of planning control.

Mrs Tammi, on behalf of the occupants of the caravan, addressed the meeting.

The Committee agreed:-

- (i) to note the material changes that had occurred in the period since the matter had last been considered by this Committee;
- (ii) to note the available enforcement options as detailed in the Report; and
- (iii) to confirm that direct action should be instigated to secure removal of the caravans that were located onsite in breach of the terms of the extant Enforcement Notice.

9. PLANNING APPEAL DECISION – BARRY DOWNS HOLIDAY PARK, WEST COTSIDE, BARRY, CARNOUSTIE

There was submitted Report No 114/17 by the Head of Planning and Place presenting the findings of the Reporter appointed by Scottish Ministers to determine the appeal against the refusal of Angus Council to grant a Certificate of Lawful Use for the existing use of land for temporary and permanent occupation of caravans and park homes at Barry Downs Holiday Park, West Cotside, Barry, Carnoustie.

The Committee noted that the Reporter had allowed the appeal and granted a Certificate of Lawful Use in the terms set out in Appendix 1 to the Report.

Following conclusion of the business, the Convener thanked all members of the Committee and Officers for their support over the last five years.