

## **ANGUS COUNCIL**

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 8 August 2017 at 10.00 am.

**Present:** Councillors DAVID LUMGAIR, GAVIN NICOL, KENNY BRAES, COLIN BROWN, DAVID CHEAPE, BILL DUFF, BRENDA DURNO, CRAIG FOTHERINGHAM, ALEX KING, IAN McLAREN, RICHARD MOORE, BOB MYLES and RON STURROCK.

Councillor LUMGAIR, Convener, in the Chair.

### **1. APOLOGIES FOR ABSENCE**

There were no apologies intimated.

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

Councillor Duff declared an interest in item 6, application No 17/00284/FULL, as he had attended a meeting of Montrose Community Council where the application had been discussed, and as he had been contacted by the agent. He indicated that he had offered no opinion or made any comment on the application and that he would therefore participate in any discussion and voting on this item.

Councillor Fotheringham declared an interest in items 13 and 14, Report Nos 254/17 and 255/17, as he had been contacted by the applicant and by a number of constituents in relation to the enforcement issues. He indicated that he had offered no comment or opinion on the matter and that he would therefore participate in any discussion and voting.

Councillors Braes, Myles and Nicol all declared an interest in item 8, application No 17/00194/MSCL, as the application had been discussed at a meeting of the Inveresk Community Council. All indicated that they had not made comment on the application and that they would therefore participate in any discussion and voting on this item.

Councillor Sturrock declared an interest in item 6, application No 17/00284/FULL, as he had met with the applicant as the Council's Economic Development spokesperson. He indicated that he had offered no opinion or made any comment on the planning application and that he would therefore participate in any discussion and voting on this item.

Councillor Moore declared an interest in item 9, application No 17/00349/FULL, as he had been in contact with the Law Department of the Church of Scotland in connection with another matter. He indicated that he had not had any contact with them regarding the planning application and that he would therefore participate in any discussion and voting on the item.

Councillor Durno declared an interest in item 7, application No 17/00372/FULL, as she had been contacted by a number of objectors and constituents in connection with the application. She indicated that she had made no comment on the application and that she would therefore participate in any discussion and voting on this item.

Councillor Cheape declared an interest in item 9, application No 17/00349/FULL, as a family member lived close to the application site. He indicated that he would participate in any discussion and voting on this item.

### **3. BUILDING WARRANTS**

The Committee noted that during the period 12 June to 30 July 2017, a total of 99 Building Warrants, 5 Demolition Warrants and 7 Amendments to Warrant had been approved with an estimated cost of £5,569,853.

### **4. DELEGATED DECISIONS**

The Committee noted that during the period 10 June to 29 July 2017, a total of 113 planning applications had been approved and 5 refused under the Scheme of Delegation to officers.

## **5. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 20 June 2017 was approved as a correct record and signed by the Convener.

## **PLANNING APPLICATIONS**

### **6. FORMER DISTILLERY, BRECHIN ROAD, MONTROSE**

There was submitted Report No 247/17 by the Head of Housing, Regulatory and Protective Services detailing application No. 17/00284/FULL by Kilmac Montrose Ltd for the erection of Class 1 retail developments (3 units) with associated car parking, access, landscaping and engineering works at Former Distillery, Brechin Road, Montrose. The application was recommended for conditional approval.

Slides were shown following which officers responded to members' questions in relation to a traffic plan/signals and the occupation of the remaining retail units.

Thereafter, Mr Ross, Group Director at Kilmac, addressed the meeting.

The Committee agreed that the application be approved for the reason and subject to the conditions as detailed in Section 10 of the Report.

### **7. PUBLIC CONVENIENCE, OLD SHOREHEAD, ARBROATH**

There was submitted Report No 248/17 by the Head of Housing, Regulatory and Protective Services detailing application No. 17/00372/FULL by Carsewell Properties Ltd for the change of use from public convenience to hot food takeaway, crab and lobster shack, including alterations to the building and the formation of an outdoor seating area at the Public Convenience, Old Shorehead, Arbroath. The application was recommended for conditional approval.

Slides were shown and Mr Smith, Mr Walker and Mrs Walmsley, all objectors, and Mr Fretwell, the applicant's agent, addressed the meeting and answered members' questions.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR NICOL, MOVED THAT THE APPLICATION BE REFUSED AS THE PROPOSAL WOULD HAVE AN UNACCEPTABLE ADVERSE IMPACT ON THE SURROUNDING AREA AND ENVIRONMENT, AND ON THE AMENITY OF EXISTING OR FUTURE OCCUPIERS OF ADJOINING OR NEARBY PROPERTIES AND WAS THEREFORE CONTRARY TO POLICY DS4 OF THE ANGUS LOCAL DEVELOPMENT PLAN.

Councillor King, seconded by Councillor Duff, moved as an amendment, that the application be approved for the reasons and subject to the conditions as detailed in the Report.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Nicol, Braes, Fotheringham, McLaren, Moore, Myles and Sturrock (8).

For the amendment:-

Councillors Brown, Duff, Durno and King (4).

No vote:-

Councillor Cheape.

The motion was declared carried resulting in the application being refused for the reasons as detailed above.

**8. SHEEP PENS, DIKEHEAD, BRIDGEND, EDZELL**

There was submitted Report No 249/17 by the Head of Housing, Regulatory and Protective Services detailing application No. 17/00194/MSCL by Glenturret Estates Ltd for approval of matters specified in Condition 1 of 16/00171/PPPL including siting, design, external appearance, site layout, landscaping, levels, drainage and water supply at Sheep Pens, Dikehead, Bridgend, Edzell. The application was recommended for conditional approval.

Slides were shown.

The Committee agreed that the application be approved for the reasons and subject to the conditions as detailed in Section 10 of the Report.

**9. LAND AT KIRKTON TERRACE, CARNOUSTIE**

There was submitted Report No 250/17 by the Head of Housing, Regulatory and Protective Services detailing application No. 17/00349/FULL by Garland Properties Ltd for the erection of a dwellinghouse on land at Kirkton Terrace, Carnoustie. The application was recommended for conditional approval.

Slides were shown following which officers responded to members' queries in relation to separation distances, garden ground and previous planning permissions.

The Committee agreed that the application be approved for the reason and subject to the conditions as detailed in Section 10 of the Report.

**10. FIELD OPPOSITE KELLAS WOOD, KELLAS**

There was submitted Report No 251/17 by the Head of Housing, Regulatory and Protective Services detailing application No. 17/00387/FULL by Mr T Kettles & Son for the change of use from agricultural land to natural green burial ground and rich woodland habitat, formation of a car park and engineering works at the site Field Opposite Kellas Wood, Kellas. The application was recommended for conditional approval.

The Committee noted that the application had been deferred to allow SEPA to consider further new information.

**11. PROPOSAL OF APPLICATION NOTICE – SITE OF FORMER PRINCESS ALEXANDRA HOUSE, DUNDEE ROAD, FORFAR**

There was submitted Report No 252/17 by the Head of Housing, Regulatory and Protective Services advising members of a Proposal of Application Notice No. 17/00575/PAN submitted in respect of a residential development on the site of the former Princess Alexandra House, Dundee Road, Forfar (formerly the Guide Dogs for the Blind Association site). The Committee was invited to identify issues which they 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 5.3 of the Report and requested that the applicant also provide further details of the proposed site access, an indicative road layout and details of parking within the application site.

**12. ENFORCEMENT UPDATE**

There was submitted Report No 253/17 by the Head of Housing, Regulatory and Protective Services advising members on the progress of enforcement cases which had been agreed previously by this Committee.

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 12/00155, Site due east of the Knowe, Kinnaber Road, Hillside, the caravans had been removed and the site vacated prior to the direct action being taken and that the case would now be closed;

- (iii) to note that, with regard to Case No. 12/00230, Barry & Downs Caravan Park, Carnoustie, a meeting with the site operator to discuss options in relation to the part of site that remained unauthorised would be held and that a further report would be presented to a subsequent meeting of this Committee pending the outcome of those discussions;
- (iv) to note that, with regard to Case No. 14/00176, Kohe Noor, St David Street, Brechin, the case failed to be heard on 4 August 2017 and that the Procurator Fiscal would be contacted to establish the reason;
- (v) to note that, with regard to Case No. 16/00165, Land 125m West of North Mains Croft, Logie, Kirriemuir, the Development Management Review Committee had resolved to grant planning permission for the development and that the decision notice would be issued following agreement of the conditions. However, the Enforcement Notice remained in effect for the part of the site not fully covered by planning application reference 16/00738/FULL;
- (vi) to note that, with regard to Case No. 16/00202, Field 440m East of Cross Roads Cottage, Balnuith, Tealing, an Enforcement Notice had been served which took effect on 31 July 2017 and required the removal of the caravan, rubble and spoil and the septic tank from the site within three calendar months. No appeal had been made and the Enforcement Notice was effective;
- (vii) to note that, with regard to Case No. 16/00092, Field North of The Bothy, Gannochy, Edzell, the Reporter had upheld the Enforcement Notice but allowed the appeal to the extent that the terms of Section 5 of the Notice be varied to allow a period of three months for the works specified in the Notice to be organised and undertaken, and the wording of Action 2 be amended to read 'remove the area of hardstanding and track that has been formed at the field and reinstate the land to its previous greenfield condition prior to the described breach'.
- (viii) to note that, with regard to Case No. 16/00286, Field North of 10 Hillhead Road, Monikie, a planning application had been submitted and subsequently refused on 4 July 2017 and the Enforcement Notice was therefore effective from that date, and required to be complied with by 4 August 2017. The applicants had indicated that they intended to appeal to the Local Review Body; and
- (ix) to note that, with regard to Case Nos 16/00252 and 16/00276, Fraserfield Farm, Woodville, Arbroath and Muirloch, Temporary Stop Notices had been served and that retrospective planning applications for both developments had been submitted. A further update would be provided upon determination of the planning applications.

### **13. LAND AT GAGIE FILTERS, KELLAS**

There was submitted Report No 254/17 by the Head of Housing, Regulatory and Protective Services presenting the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the decision to serve a Listed Building Enforcement Notice in respect of the alleged breaches of listed building control in the form of the attachment of a fence to the listed boundary wall of a filter bed and the reprofiling of filter bed material including the lifting and damage of clay filter blocks at Land at Gagie Filters, Kellas.

The Committee noted that the Reporter had dismissed the appeal, refused to grant Listed Building Consent and directed that the Enforcement Notice be upheld.

**14. LAND AT GAGIE FILTERS, KELLAS**

There was submitted Report No 255/17 by the Head of Housing, Regulatory and Protective Services presenting the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the decision to serve an Enforcement Notice in respect of an alleged breach of planning control consisting of the use of the site for the storage of various items of plant, equipment, containers, caravans and other structures and materials and the unauthorised attachment of a fence to a listed filter bed structure at land at Gagie Filters, Kellas.

The Committee noted that the Reporter had dismissed the appeal and directed that the Enforcement Notice be upheld.