

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar, on Tuesday 15 September 2015 at 10.00 am.

**Present:** Councillors ROB MURRAY, BILL DUFF, BILL BOWLES, COLIN BROWN, DAVID FAIRWEATHER, 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 Lynne Devine, Mairi Evans, Craig Fotheringham, Jeanette Gaul and Bob Spink.

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

There were no declarations of interest/intimations of contact made.

### 3. BUILDING WARRANTS

The Committee noted that during the period 17 August to 4 September 2015, a total of 53 Building Warrants, 3 Demolition Warrants and 18 Amendments to Warrant had been approved with an estimated cost of £3,551,550.

### 4. DELEGATED DECISIONS

The Committee noted that during the period 15 August to 5 September 2015, a total of 25 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 25 August 2015 was submitted, approved as a correct record and signed by the Convener.

### PLANNING APPLICATIONS

### 6. TAYMOUTH ENGINEERING WORKS, 2 ANDERSON STREET, CARNOUSTIE

There was submitted Report No 352/15 by the Head of Planning and Place detailing application No 15/00558/FULM by Ogilvie Homes for the erection of 82 dwelling units and ancillary works at the site of the former Taymouth Engineering Works, 2 Anderson Street, Carnoustie. The application was recommended for conditional approval subject to a Section 75 Planning Obligation.

Slides were shown, following which officers responded to concerns from Councillor Bowles regarding the potential future impact on the Burnside Primary School roll despite the requirement for an education contribution, and there being no plan in place to extend the school at this time.

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

### 7. LAND 500M WEST OF FORFAR ACADEMY, KIRRIEMUIR ROAD, FORFAR

There was submitted Report No 353/15 by the Head of Planning and Place advising members that the Education Service had identified the level of financial contribution required to mitigate the impacts on the education estate associated with planning application No 13/01001/PPPM for the proposed residential development comprising up to 300 dwellings on land west of Forfar Academy, Kirriemuir Road, Forfar.

The Committee agreed:-

- (i) to approve the level of financial contribution identified by the Education Service as necessary to mitigate the impact on the education estate of planning application No 13/01001/PPPM; and
- (ii) to instruct the Head of Planning and Place in consultation with the Head of Legal and Democratic Services to secure payment of the required contribution by appropriate means.

Thereafter, the Committee heard from the Service Manager – Planning and noted that due to an increase in cases where developer contributions were likely to be required to mitigate impacts associated with planning applications, Counsel Opinion had been sought on the appropriateness of granting permission subject to a planning condition that required a planning obligation to be concluded. Such an approach would streamline the planning process, allow permission to be granted immediately following consideration by this Committee and therefore provide developers with increased certainty regarding timescales for the issue of a formal planning decision. Having regard to relevant legal advice, this approach was considered appropriate. The planning obligation in this, and other similar cases, would be secured by planning conditions.

## **8. DEVELOPER CONTRIBUTION MONITORING**

There was submitted Report No 354/15 by the Head of Planning and Place updating members on the monitoring undertaken by the Planning Obligations Monitoring Group and providing an indication of potential income from developer contributions in respect of Planning applications submitted between 1999 and 2015, together with an update of contributions received to date.

The Committee agreed:-

- (i) to note the potential income from financial contributions in respect of planning applications received between 1999 and 2015 where there had been a resolution to grant planning permission or where planning permission had been granted; and
- (ii) that further reports updating the position in relation to receipt of financial contributions would be provided on a quarterly basis.

## **9. CERTIFICATE OF LAWFUL USE APPEAL DECISION – BARRY DOWNS, CARNOUSTIE**

There was submitted Report No 355/15 by the Head of Planning and Place presenting the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against refusal of Angus Council to issue a Certificate of Lawfulness for the existing residential use of the land within Class 9 consisting of huts and park homes occupied on either a temporary basis for holiday and leisure purposes, or on a permanent basis as a principal or primary or sole residence by individuals and their families on land at Barry Downs, Carnoustie.

The Committee agreed to note that the appeal had been dismissed.

## **10. ENFORCEMENT UPDATE**

There was submitted and noted Report No 356/15 by the Head of Planning and Place advising members on the progress of Enforcement Cases which had been agreed previously by this Committee.