

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 31 May 2016 at 10.00 am.

**Present:** Councillors ROB MURRAY, BILL DUFF, BILL BOWLES, COLIN BROWN, LYNNE DEVINE, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, JEANETTE GAUL, 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 Evans and Spink.

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

Councillor Lumgair declared an interest in item 7, Report No 227/16, as he had an interest in the neighbouring properties which were owned by family members. He indicated that he would not participate in any discussion and voting and would leave the meeting during consideration of the item.

Councillors Gaul and McLaren declared an interest in item 7, Report No 227/16, as they had received e-mail correspondence in relation to the application. Both indicated that they had not responded to the e-mails and would therefore take part in any discussion and voting.

Thereafter, the remainder of the Committee intimated that they had also received e-mail correspondence in relation to the application. All indicated that they had not responded to the e-mails and would therefore take part in any discussion and voting.

### 3. BUILDING WARRANTS

The Committee noted that during the period 2 to 20 May 2016, a total of 48 Building Warrants and 2 Amendments to Warrant had been approved with an estimated cost of £2,104,964.

### 4. DELEGATED DECISIONS

The Committee noted that during the period 30 April to 21 May 2016, a total of 44 planning applications had been approved under the Scheme of Delegation to officers.

### 5. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 10 May 2016 was approved as a correct record and signed by the Convener.

### PLANNING APPLICATIONS

### 6. FIELD 70M NORTH WEST OF GREENLAW, BARRY

There was submitted Report No 226/16 by the Head of Planning and Place detailing application No 16/00075/FULL by Persimmon Homes (East Scotland) for the erection of 46 dwellinghouses and the formation of associated open space, parking and infrastructure at the site of the former Greenlaw Farm complex Barry, Carnoustie. The application was recommended for conditional approval, subject to the applicant providing further surveys that demonstrated no unacceptable impact on bats.

Slides were shown, following which officers responded to questions from Councillors Bowles, Devine, Fairweather and Duff in relation to footways, pedestrian safety, education provision, roads infrastructure and impact on bats.

Thereafter, Mr McKenzie, on behalf of a number of objectors, Mrs Bonandrini, Mr Livingstone, on behalf of Mr Taylor, all objectors and Mr Barker of Persimmon Homes, the applicant, all addressed the meeting.

Councillor Murray, seconded by Councillor King, moved that this Committee agrees:-

- (i) that the application be approved for the reasons and subject to the conditions detailed in Section 10 of the Report, subject to the applicant submitting further surveys that demonstrated to the satisfaction of the Head of Planning and Place, in consultation with Scottish Natural Heritage, that either there would be no unacceptable impact on bats, or that relevant licensing tests were likely to be met;
- (ii) to authorise the Head of Planning and Place to attach any additional conditions that may be necessary in order to mitigate the impact of the development on bats; and
- (iii) to instruct the Head of Planning and Place to refer the application back to this Committee for determination should further surveys demonstrate that there was likely to be an unacceptable impact on bats, and that the relevant licensing tests were unlikely to be met.

COUNCILLOR DEVINE, SECONDED BY COUNCILLOR BOWLES, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED AS THE PROPOSED DENSITY AND DESIGN OF DEVELOPMENT WOULD NOT FIT IN WITH THE LOCAL LANDSCAPE CHARACTER AND PATTERN OF DEVELOPMENT AND WAS THEREFORE CONTRARY TO POLICY S3 OF THE ANGUS LOCAL PLAN REVIEW.

On a vote being taken, the members voted:-

For the motion:-

Councillors Murray, Duff and King (3).

For the amendment:-

Councillors Bowles, Brown, Devine, Fairweather, Fotheringham, Gaul, Lumgair and McLaren (8).

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

*Having declared an interest at Article 2 above, Councillor Lumgair left the meeting during consideration of the following item.*

## **7. FIELD 140M SOUTH EAST OF GREENHILLOCK, KIRKBUDDO**

There was submitted Report No 227/16 by the Head of Planning and Place detailing application No 16/00053/FULL by Greenhillock Glamping for the change of use from agricultural land to campsite, erection of ancillary structures and change of use of two existing buildings to campsite facilities at field 140m South East of Greenhillock, Kirkbuddo. The application was recommended for conditional approval.

Slides were shown and Mr Houston, Mr Beas, on behalf of Mr Wallace, and Ms Elder, all objectors, and Professor Williams and Mrs Latham, the applicants, addressed the meeting.

COUNCILLOR MURRAY, SECONDED BY COUNCILLOR KING, MOVED 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 ADDITIONAL CONDITION:-

9. PRIOR TO THE OPERATION OF THE USE HEREBY APPROVED, A SCHEME FOR THE PROVISION OF ADDITIONAL PLANTING ALONG THE SOUTHERN BOUNDARY OF THE SITE SHALL BE SUBMITTED TO AND APPROVED IN WRITING BY THE PLANNING AUTHORITY. ALL PLANTING SHALL THEREAFTER BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED SCHEME AND SHALL BE COMPLETED DURING THE PLANTING SEASON IMMEDIATELY FOLLOWING THE COMMENCEMENT OF THE USE OR SUCH OTHER DATE AS MAY BE AGREED IN WRITING WITH THE PLANNING AUTHORITY. ANY PLANTING WHICH, IN THE OPINION OF THE PLANNING AUTHORITY WITHIN A PERIOD OF FIVE YEARS FROM THE COMMENCEMENT

OF THE USE, IS DYING, SEVERELY DAMAGED OR BECOMING SERIOUSLY DISEASED, SHALL BE REPLACED BY PLANTS OF SIMILAR SIZE AND SPECIES TO THOSE ORIGINALLY REQUIRED TO BE PLANTED.

*REASON:*

*IN THE INTERESTS OF VISUAL AMENITY.*

Councillor Fairweather, seconded by Councillor Brown, moved as an amendment, that the application be refused as the proposal was out of scale and nature appropriate to the location, as the development did not fit in with the local landscape character and pattern of development, as the tourism facility would have an unacceptable detrimental effect on the local landscape or rural environment and was not compatible with surrounding land uses and as the proposed would result in the permanent loss of prime quality agricultural land and was therefore contrary to Policies S1(b), S3, SC20 and ER30 of the Angus Local Plan Review.

On a vote being taken, the members voted:-

For the motion:-

Councillors Murray, Duff, Bowles, Devine, Gaul and King (6).

For the amendment:-

Councillors Brown, Fairweather, Fotheringham and McLaren (4).

The motion was declared carried resulting in the application being approved for the reasons and subject to the conditions as detailed in Section 10 of the Report, together with the additional Condition 9, as detailed above.

## **8. ENFORCEMENT UPDATE**

There was submitted Report No 228/16 by the Head of Planning and Place 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 the owners of 1 Broomwell Gardens, Monikie had been reminded of the deadline for the property to be brought up to an acceptable standard;
- (iii) to note that the Building Standards Service had written to the owners of Strathmartine Hospital requesting that the building be made safe and that additional security measures be put in place for the main listed buildings following the recent further fire;
- (iv) to note that suppliers had been identified for the removal and storage of the caravans at the site due east of the Knowe, Kinnaber Road, Hillside;
- (v) to note that the Enforcement Notice for the Joinery Workshop and Yard, Douglstown, Forfar had been complied with and that this case would now be closed; and
- (vi) to note that planning application No. 15/00506/FULL for Barry & Downs Caravan Park would be determined under delegated authority.

## **9. DEVELOPMENT MANAGEMENT REVIEW COMMITTEE DECISIONS 2015/2016**

With reference to Article 10 of the minute of meeting of this Committee of 31 March 2015, there was submitted and noted Report No 229/16 by the Head of Legal and Democratic Services detailing the outcome of the 17 cases considered by the Development Management Review Committee during the period 1 April 2015 to 31 March 2016 and advising that, of these, 10 Reviews had been dismissed and 7 upheld.