

# ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 9 October 2018 at 10.00 am.

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

Councillor LUMGAIR, Convener, in the Chair.

## 1. APOLOGY FOR ABSENCE

An apology for absence was intimated on behalf of Councillor Bill Duff.

## 2. DECLARATIONS OF INTEREST

Councillor Braes declared a non-financial interest in Item 9 (Report No 325/18) in that he knew some of the local objectors to this application but that he had expressed no views on the matter. He indicated that he would take part in any discussion and voting on the item.

Councillor Sturrock declared a non-financial interest in Item 9 (Report No 325/18) in that he had attended an open meeting on the development but did not express any views on the matter. He indicated that he would take part in any discussion and voting on the item.

## 3. BUILDING WARRANTS

The Committee noted that during the period 3 to 28 September 2018, a total of 39 building warrants had been approved with an estimated cost of £949,250.

## 4. DELEGATED DECISIONS

The Committee noted that during the period 1 to 29 September 2018, a total of 61 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 11 September 2018 was approved as a correct record and signed by the Convener.

## PLANNING APPLICATIONS

## 6. YARD, MID ROW, MARYTON, KIRRIEMUIR

There was submitted Report No 322/18 by the Service Leader – Planning and Communities, detailing application No. 18/00052/FULL by Prestige Homes (Scotland) Ltd for the erection of three dwellinghouses on a Yard, at Mid Row, Maryton, Kirriemuir. The application was recommended for conditional approval.

Slides were shown.

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. 20 HIGH STREET MONTROSE

There was submitted Report No 323/18 by the Service Leader – Planning and Communities, detailing application No. 18/00288/FULL by Luxuria Tanning for the change of use of a class 1 retail unit to a Tanning Salon at 20 High Street, Montrose. The application was recommended for conditional approval.

Slides were shown, following which Ms Halliday, an objector, addressed the meeting regarding her concerns of the impact upon the existing two similar businesses in Montrose, should the application be granted.

Councillors Cheape, Sturrock and King noted that planning case law had determined that competition between businesses was not a material planning consideration and therefore not a reason for refusing a planning application, while sympathising with Ms Halliday's comments.

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

*In accordance with the provisions of Standing Order 16 (11(ii)) Councillor Sturrock requested that his dissent be recorded from the foregoing decision.*

#### **8. 13 MAULE STREET, ARBROATH**

There was submitted Report No 324/18 by the Service Leader – Planning and Communities, detailing application No 18/00524/FULL by Cito Cimo Properties Ltd for the change of use from a residential dwelling house to a guest house comprising the formation of 11 en-suite bedrooms and the erection of a two-storey extension to the existing building at 13 Maule Street, Arbroath. The application was recommended for conditional approval.

Slides were shown, following which Officers responded to Councillor Myles's query on car parking provision.

Thereafter, Mrs Rase and Mr Walker, objectors and Mr Manavar, the applicant, addressed the meeting.

Officers then answered Members' questions relating to refuse collection and car parking capacity in Church Street.

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

#### **9. PROPOSAL OF APPLICATION NOTICE – LAND NORTH OF BRECHIN ROAD, MONTROSE**

There was submitted Report No 325/18 by the Service Leader – Planning and Communities, advising members of the proposal of application notice No 18/00704/PAN submitted in respect of a major development, comprising private and affordable housing development and associated infrastructure at Brechin Road, Montrose. 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.

#### **10. PROPOSAL OF APPLICATION NOTICE – FACTORY SITE, ELLIOT INDUSTRIAL ESTATE, ARBROATH**

There was submitted Report No 326/18 by the Service Leader – Planning and Communities, advising members of the proposal of application notice No 18/00628/PAN submitted in respect of a proposed retail development, including food and non-food retail, drive through units and ancillary development including access, drainage and landscaping at Factory Site, Elliot Industrial Estate, Arbroath. The Committee was invited to identify issues which they would like to see addressed in the planning application.

Councillor King's concerns, shared by Councillors Cheape, Sturrock and Durno, related to traffic management arrangements, in particular, the need for careful consideration of access to the site, with either a full size roundabout or traffic lights provided on the A92; and that provision should be made for connection between the proposed and existing retail site for pedestrians, cyclists and vehicles.

The Committee agreed to note the key issues identified by Officers at this stage as set out in paragraph 5.5 of the Report and to incorporate those issues as outlined by Councillor King.

## **11. ENFORCEMENT UPDATE**

There was submitted Report No 327/18 by the Service Leader – Planning and Communities, advising members on the progress of Enforcement Cases which had been agreed previously by this Committee.

Having heard from the Development Standards Manager, the Committee agreed to note the contents of the Report, and in particular:

- (i) to note that, with regard to case no 12/00230, Barry & Downs Caravan Park, the site owner had advised that he remained in discussion with his solicitors and that an application was likely to be submitted before the end of this year;
- (ii) to note that, with regard to case no 16/00165, Land 125m West of North Mains Croft, Logie, Kirriemuir, the site owner's agent had indicated that further time was required to decide how they wished to proceed. A further report on the matter would be submitted to the November meeting of this Committee;
- (iii) to note that, with regard to case no 17/00026, Field 45m SE of 1 Mount Pleasant, Letham Mill, St Vigean's, Arbroath, the site survey undertaken had provided no evidence that the applicant had restored ground levels to the previous condition, and no evidence of compliance had been provided by the landowner. A Report would be submitted to the November meeting of this Committee;
- (iv) to note that, with regard to case no 13/00195, Land at Gagie Filters, Kellas, Officers had visited the site and observed that some further clearance of items from the filter beds had taken place and that a 3 week period remained for this work to be completed. Officers would monitor progress and update the Committee in November;
- (v) to note that, with regard to case no 18/00025, Field North of 10 Hillhead Road, Monikie, the landowner had intimated that the hardstanding had been removed. The site would be inspected and update provided to the November meeting of this Committee; and
- (vi) to note that, with regard to case no 17/00099, Plot Five and The Pond, Over Ascreavie, Kingoldrum, two appeals by the landowners and developers against the Enforcement Notices which had been served on them on 20 March 2018, had been dismissed with the notices being upheld subject to some minor wording alterations.