

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 13 November 2018 at 10.00 am.

Present: Councillors DAVID LUMGAIR, GAVIN NICOL, KENNY BRAES, 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

An apology for absence was intimated on behalf of Councillor Colin Brown.

2. DECLARATIONS OF INTEREST

Councillor Fotheringham declared an interest in Item 6, application No. 18/00672/FULL, as he had received a letter from the applicant and an email from one of the objectors. He indicated that he had expressed no views on the matter and that he would take part in any discussion and voting on the item.

Councillor Moore declared an interest in Item 9, Report No 353/18, as a family member of the applicant was a neighbour of his. He indicated that he would leave the meeting during consideration of the item.

3. BUILDING WARRANTS

The Committee noted that during the period 3 September to 2 November 2018, a total of 89 Building Warrants, 4 Demolition Warrants and 26 Amendments to Warrant had been approved with an estimated cost of £3,170,119.

4. DELEGATED DECISIONS

The Committee noted that during the period 29 September to 27 October 2018, a total of 53 planning applications had been approved and 2 refused under the Scheme of Delegation to officers.

5. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 9 October 2018 was approved as a correct record and signed by the Convener.

PLANNING APPLICATIONS

6. FORMER NURSERY, SEAVIEW PRIMARY SCHOOL, VICTORIA STREET, MONIFIETH

There was submitted Report No 350/18 by the Service Leader – Planning and Communities, detailing application No. 18/00672/FULL by GL Residential for the change of use, conversion and alteration of former nursery to five dwellinghouses and two flats, erection of 20 flats (2 blocks of 8 flats and 1 block of 4 flats) all with associated car parking and associated works at Former Nursery, Seaview Primary School, Victoria Street, Monifieth. The application was recommended for conditional approval.

Slides were shown following which Mr Wardrop, the applicant's agent, addressed the meeting and answered Councillor Moore's questions in relation to loss of trees, affordable housing and disabled parking.

Thereafter, the Committee agreed that the application be approved for the reason, 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 Moore requested that his dissent be recorded from the foregoing decision.

7. LAND EAST OF THE PARK, CARESTON

There was submitted Report No 351/18 by the Service Leader – Planning and Communities, detailing application No. 18/00480/FULL by Careston Ltd for the erection of two dwellinghouses on land east of The Park, Careston. The application was recommended for conditional approval.

Slides were shown, following which the applicant's agent responded to Councillor King's query regarding the maintenance and management of the woodland area on the boundary of the site.

The Committee agreed that the application be approved for the reason, and subject to the conditions as detailed in Section 10 of the Report, subject to the following additional condition:-

'4. No works in connection with the development hereby approved shall commence unless a scheme for the permanent future management and maintenance of the woodland area ex adverso the eastern boundary of the site has been submitted to and approved in writing by the planning authority. Thereafter the woodland area shall be managed and maintained in accordance with the approved scheme in perpetuity.

Reason: In order to ensure the ongoing management and maintenance of the woodland feature which provides a landscape context for the development.'

8. PROPOSAL OF APPLICATION NOTICE – HATTON MILL QUARRY, KINNELL, FRIOCKHEIM

There was submitted Report No 352/18 by the Service Leader – Planning and Communities, advising members of a proposal of application notice No. 18/00749/PAN submitted in respect of a major development comprising extension of sand and gravel extraction area and continued processing and despatch of aggregates at Hatton Mill Quarry, Kinnell, Friockheim. The Committee was invited to identify issues which they would like to see addressed in the planning application.

Slides were shown, following which the Committee agreed to note the key issues identified by the officers at this stage, as set out in paragraph 5.4 of the Report.

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

9. PROPOSAL OF APPLICATION NOTICE – GROUND AT PITREUCHIE FARM, FORFAR

There was submitted Report No 353/18 by the Service Leader – Planning and Communities, advising members of a proposal of application notice No. 18/00844/PAN submitted in respect of a major development comprising extension sand and gravel extraction workings on land at Pitreuchie Farm, Forfar (Auchterforfar Quarry). The Committee was invited to identify issues which they would like to see addressed in the planning application.

Slides were shown, following which the Committee agreed to note the key issues identified by officers at this stage as set out in paragraph 5.4 of the Report with the addition that the application should contain information on how the site would link to the haul road serving the wider processing facility.

10. THE ANGUS COUNCIL (LAND AT PANMURE STABLES, CARNOUSTIE) TREE PRESERVATION ORDER 2018 NO. 2

There was submitted Report No 354/18 by the Service Leader – Planning and Communities, advising that in terms of Section 160 of the Town and Country Planning (Scotland) Act 1997,

the provisional Tree Preservation Order 2018 No. 2 had come into effect on 4 September 2018. The Report sought confirmation of the Order as detailed in the Report.

Slides were shown, following which the Committee agreed to confirm the Angus Council (Land at Panmure Stables, Carnoustie) Tree Preservation Order 2018 No. 2.

11. THE ANGUS COUNCIL (LAND AT CARLOGIE, CARNOUSTIE) TREE PRESERVATION ORDER 2018 NO. 3

There was submitted Report No 355/18 by the Service Leader – Planning and Communities, advising that in terms of Section 160 of the Town and Country Planning (Scotland) Act 1997, the provisional Tree Preservation Order 2018 No. 3 had come into effect on 5 September 2018. The Report sought confirmation of the Order as detailed in the Report.

Slides were shown, following which the Committee agreed to confirm the Angus Council (Land at Carlogie, Carnoustie) Tree Preservation Order 2018 No. 3.

12. ENFORCEMENT ACTION – LAND 125M WEST OF NORTH MAINS CROFT, LOGIE, KIRRIEMUIR

There was submitted Report No 356/18 by the Service Leader – Planning and Communities, detailing the circumstances relative to the enforcement action in respect of the unauthorised use of land for the siting of caravans on the land due west of North Mains Croft, Logie, Kirriemuir in direct breach of the terms of an extant Enforcement Notice.

Slides were shown.

Thereafter the Committee, having considered the available enforcement options, agreed:-

- (i) to authorise the planning service to instigate direct action to secure the removal of the caravans located on the site in breach of the terms of the extant Enforcement Notice; and
- (ii) to seek to recover the costs associated with the direct action from the owner or lessee of the land.

13. ENFORCEMENT ACTION – MOUNT PLEASANT, LETHAM MILL, ST VIGEANS

There was submitted Report No 357/18 by the Service Leader – Planning and Communities, providing an update on the circumstances relative to the enforcement action in respect of the unauthorised scraping of the surface of the site, deposition of bricks, rubble and other materials and raising of ground levels on land at Mount Pleasant, Letham Mill, St Vigeans, and seeking authorisation to pursue direct action to secure compliance with the terms of the Enforcement Notice.

Slides were shown following which Mr Craig, the applicant's agent, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR MYLES, MOVED THAT THE PLANNING SERVICE DO NOT PURSUE DIRECT ACTION.

Councillor Moore, seconded by Councillor Duff, moved as an amendment, that the planning service be authorised to instigate direct action to secure compliance with terms of the Enforcement Notice if compliance was not undertaken voluntarily within a period of two months from the date of approval of the Report; and to seek to recover the costs associated with the direct action from the owner or lessee of the land.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Nicol, Cheape, Fotheringham, McLaren and Myles (6).

For the amendment:-

Councillors Braes, Duff, Durno, King, Moore and Sturrock (6).

There being an equality of votes, the Convener exercised his casting vote in favour of the motion, resulting in direct action not being pursued.

14. ENFORCEMENT UPDATE

There was submitted Report No 358/18 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 Service Leader – Planning and Communities, the Committee agreed to note the contents of the Report and in particular:-

- (i) to note that, with regard to Case No. 13/00195, Land at Gagie Filters, Kellas, a monitoring site visit had been undertaken on 8 November 2018 when it was noted that satisfactory progress continued to be made. Officers would continue to monitor progress and further updates would be provided to this Committee in due course;
- (ii) to note that, with regard to Case No 18/00025, Field North of 10 Hillhead Road, Monikie, officers were continuing discussions with the owner as to how best to comply with the Enforcement Notice. A further update would be presented to this Committee in due course;
- (iii) to note that, with regard to Case No. 18/00072, Former NOSWA Sewage Pumping Station Yard, Craig O'Loch Road, Forfar, the Enforcement Notice was currently with Sheriff Officers for serving;
- (iv) to note that, with regard to Case No 18/00078, Site at Carlogie, Carnoustie, an Enforcement Notice had been served on interested parties on 15 October 2018 requiring the removal of the containers and associated hardstanding, the reinstatement of the land to a greenfield condition and the ceasing of the use of the land as a storage facility. The Notice would take effect on 14 November 2018 unless an appeal was submitted; and
- (v) to note that, with regard to Case No. 18/00114, 3A South Kinloch Street, Carnoustie, an Enforcement Notice had been served on the property owners on 30 October 2018 requiring that either any unauthorised development that did not accord with the provisions of planning permission Ref. 16/00678/FUL be removed and any works to be retained reconfigured to bring them into compliance with the planning permission, or that all unauthorised works be removed in their entirety and the dwelling reinstated to its pre-development condition. The Notice would take effect on 30 November 2018 unless an appeal was submitted.