

## **ANGUS COUNCIL**

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 7 August 2018 at 10.00 am.

**Present:** Councillors DAVID LUMGAIR, 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. APOLOGY FOR ABSENCE**

An apology for absence was intimated on behalf of Councillor Gavin Nicol.

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

Councillor Fotheringham declared an interest in Item 13, Report No 226/18, as he had been contacted by the Landowner. He indicated that he had passed all relevant correspondence to the appropriate officers and that he would therefore take part in any discussion and voting on the item.

Councillors Brown and McLaren each declared an interest in Item 8, application No. 17/01052/FULM, as a number of the objectors were known to them. Both indicated that they would take part in any discussion and voting on the item.

Councillor Cheape declared an interest in Item 6, application No. 17/00917/FULL, as he had previously visited the site in his role as local member. He indicated that he had made no comment in relation to the current planning application and would therefore take part in any discussion and voting on the item.

Councillor Moore declared an interest in Item 6, application No. 17/00917/FULL, as he had been contacted by one of the objectors to the application. He indicated that he had responded to the objector to advise that as he was a member of the Development Standards Committee, it was not appropriate for him to make any comment in relation to the application. He would therefore take part in any discussion and voting on the item.

Councillor Lumgair declared an interest in Item 8, application No 17/01052/FULM, as one of the objectors was known to him. He indicated that he would take part in any discussion and voting on the item.

All members of the Committee each intimated that in relation to Item 6, application No 17/00917/FULL, they had all received correspondence from one of the objectors. All members indicated that they had not responded to the correspondence and that they would therefore take part in any discussion and voting on the item.

### **3. BUILDING WARRANTS**

The Committee noted that during the period 26 February to 27 July 2018, a total of 417 building warrants had been approved with an estimated cost of £31,257,863.

### **4. DELEGATED DECISIONS**

The Committee noted that during the period 14 April to 28 July 2018, a total of 234 planning applications had been approved and 4 refused under the Scheme of Delegation to officers.

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

The minute of meeting of this Committee of 24 April 2018 was approved as a correct record and signed by the Convener.

## **PLANNING APPLICATIONS**

### **6. PITAIRLIE QUARRY, MONIKIE**

There was submitted Report No 219/18 by the Service Leader – Planning and Communities detailing application No. 17/00917/FULL by Denfind Stone Limited for the Erection of Stone Processing Building and Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy Over Stone Feed Hopper at Pitairlie Quarry, Monikie. The application was recommended for conditional approval.

Slides were shown following which Captain Dorman and Mr Campbell QC, on behalf of Mrs Dorman, addressed the meeting. Thereafter, Mr Binnie, the applicant, addressed the meeting and answered members' questions.

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. LEDYATT FARM, LUNDIE, MUIRHEAD**

There was submitted Report No 220/18 by the Service Leader – Planning and Communities detailing application No. 18/00227/PPPL by Lundie Farming Ltd for Redevelopment of Disused Farm to Create Four New Houses and Renovation of Existing Steading to Form a Fifth Dwelling at Ledyatt Farm, Lundie, Muirhead. The application was recommended for conditional approval.

Slides were shown following which officers responded to members' questions regarding access arrangements, affordable housing, water supply and visibility at the junction of the site access.

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

"5. No works in connection with the development hereby approved shall commence unless a scheme of improvements to visibility at the junction of the site access with the A923 public road has been submitted to and approved in writing by the planning authority. Thereafter, the improvements identified in the approved scheme shall be carried out prior to any other works in connection with the planning permission hereby approved.

*"Reason: In order to enhance visibility at the junction of the site access with the public road in the interests of road safety".*

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

### **8. SITE OF FORMER PRINCESS ALEXANDRA HOUSE, DUNDEE ROAD, FORFAR**

There was submitted Report No 221/18 by the Service Leader – Planning and Communities detailing application No. 17/01052/FULM by Scotia Homes Ltd for the Erection of a Residential Development of 100 Dwellinghouses and Associated Infrastructure at Site of Former Princess Alexandra House, Dundee Road, Forfar. The application was recommended for conditional approval.

Slides were shown, following which officers responded to members' questions regarding access arrangements from Northampton Road, contributions to the secondary school infrastructure, the proposal for cottage flats, overlooking and any detrimental impact on residential properties, and trees.

Thereafter, Mr Wakem, on behalf of the residents and users of Northampton Road, all objectors, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR MYLES, MOVED THAT THE APPLICATION BE APPROVED FOR THE REASON AND SUBJECT TO THE CONDITIONS AS DETAILED IN THE REPORT.

Councillor McLaren, seconded by Councillor Brown, moved as an amendment, that the application be refused as the proposed development would have an unacceptable adverse impact on the surrounding area and amenity of existing occupiers of nearby properties, and as the local road network (ie access via Northampton Road) was not adequate and therefore the proposal was contrary to policies DS2 and DS4 of the Angus Local Development Plan.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Braes, Cheape, Duff, Durno, King, Myles and Sturrock (8).

For the amendment:-

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

The motion was declared carried resulting in the application being approved subject to the conditions as detailed in Section 10 of the Report.

*At this stage in the meeting, the time being 11.38am, the Committee agreed to a five minute adjournment. The Committee reconvened at 11.43am.*

#### **9. BALTIC MILL, DENS ROAD, ARBROATH**

There was submitted Report No 222/18 by the Service Leader – Planning and Communities detailing application No. 17/01002/FULL by Cullross Ltd for Change of Use and Alteration of Vacant Former Whisky Bond to Form 24 Flats with Associated Parking, Green Space and Refuse and Cycle Storage at Baltic Mill, Dens Road, Arbroath. The application was recommended for conditional approval.

Slides were shown, following which officers responded to members' questions regarding compliance with building regulations, disabled access and flood risk.

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 notification of the application to Scottish Ministers.

#### **10. HAYSHEAD PRIMARY SCHOOL, ST ABBS ROAD, ARBROATH**

There was submitted Report No 223/18 by the Service Leader – Planning and Communities detailing application No. 18/00191/FULM by Angus Council for the Demolition of Existing Primary School and Erection of Shared Campus Including Hayshead Primary School, St Thomas RC Primary School and Early Years Facility, Sports Pitches, Car Parking, Drainage Infrastructure, Landscaping and Associated Works at Hayshead Primary School, St Abbs Road, Arbroath. 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.

#### **11. LAND OPPOSITE ANGUS HOUSE, SILVIE WAY, ORCHARDBANK BUSINESS PARK, FORFAR**

There was submitted Report No 224/18 by the Service Leader – Planning and Communities detailing application No. 18/00270/FULL by EG Group for the Erection of a Petrol Filling Station Including Ancillary Retail Unit and a Café/Restaurant with Ancillary Drive Thru and Formation of Access, Car/HGV Parking, Landscaping and Associated Works on Land

Opposite Angus House, Silvie Way, Orchardbank Business Park, Forfar. The application was recommended for conditional approval.

Slides were shown following which officers and Mr Buffham, representative of the applicant, responded to members' questions regarding parking facilities at Angus House/Silvie Way/Orchard Loan, access arrangements and restroom facilities.

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

## 12. ENFORCEMENT UPDATE

There was submitted Report No 225/18 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:-

- (i) to note the contents of the Report;
- (ii) to note that, with regard to Case No 08/00007, Strathmartine Hospital, planning permission had been issued on 25 April 2018;
- (iii) to note that, with regard to Case No 16/00165, Land 125m West of North Mains Croft, Logie, Kirriemuir, two of the conditions of the approved planning permission had not been discharged within the specified time period and that a Breach of Condition Notice had been served on the landowner. Two applications for planning permission had thereafter been submitted and one subsequently withdrawn on 3 April 2018. On 13 April 2018, the Planning Service refused application Ref 17/01017/FULL for the change of use of vacant land to form a chalet/caravan pitch (principal chalet and one touring caravan) formation of hardstanding, erection of 1.8m high fences and amenity block (in part retrospect). An appeal had been submitted to the Development Management Review Committee against the refusal of planning application 17/01017/FULL which would be considered on 11 September 2018;
- (iv) to note that, with regard to Case No 17/00008, Former Hooks Hotel, 3 Bank Street, Kirriemuir, Scottish Ministers had determined that the works were urgent and necessary and that the full costs were recoverable;
- (v) to note that, with regard to Case No 17/00026, Field 45m South East of 1 Mount Pleasant, Letham Mill, St Vigeans, Arbroath, the site had been cleared and that a site survey would be undertaken to establish the current site levels in order to determine if further action was required;
- (vi) to note that, with regard to Case No 16/00276, Muirloch, further information had been requested from the operator regarding the alleged use of the chipper outside the approved hours;
- (vii) to note that, with regard to Case No 16/00282, Land between Store and Beattie Brae, Brechin; Case No 17/00035, Thornbank Cottage, 30 Redford Road, Padanaram; and Case No 17/00027, Two areas of Land at Keithock, Brechin, site visits had confirmed that full compliance had been achieved and that the enforcement cases would now be closed;
- (viii) to note that, with regard to Case No 18/00016, Field 440m East of Cross Roads Cottage, Balnuith, Tealing, enquiries were ongoing to trace the owner with a view to re-serving the Notice;
- (ix) to note that, with regard to Case No 18/00025, Field North of 10 Hillhead Road, Monikie, a Fixed Penalty Notice had been served on the owner however no response had been received in respect of that Notice. The time period for payment of the Fixed Penalty Notice had lapsed and the Planning Service was seeking clarification from the owner on his intentions before determining what further action was necessary;

- (x) to note that, with regard to Case No 17/00099, Plot 5 and The Pond, Over Ascreavie, Kingoldrum, Enforcement Notice Appeals against both Notices had been submitted to the Scottish Government Planning and Environmental Appeals Division by one of the interested parties. Statements of response had been submitted by the Planning Service and the appeals had been allocated to a Scottish Government Reporter. A further update would be provided once a decision had been issued; and
- (xi) to note that, with regard to Case No 18/00072, Former NOSWA Sewage Pumping Station Yard, Craig O'Loch Road, Forfar, a Temporary Stop Notice had been served on 15 May 2018 requiring that the importation of materials into the site cease with immediate effect. The importation of materials and the alteration of ground levels continued at the site in breach of the Temporary Stop Notice and investigations were ongoing to establish the identity of the site owner and any other party to the breach. Thereafter, it was intended to take formal enforcement action against relevant parties.

### **13. ENFORCEMENT ACTION – GAGIE FILTERS, KELLAS**

With reference to Article 9 of the minute of meeting of this Committee of 21 November 2017, there was submitted Report No 226/18 by the Service Leader – Planning and Communities providing an update on the circumstances relative to the enforcement action in respect of the unauthorised use of land at Gagie Filters, Kellas.

Having noted that the outstanding actions from both the planning enforcement notice and the listed building enforcement notice had not been undertaken as at 27 July 2018, the Committee agreed:-

- (i) to authorise the planning service to instigate direct action to secure the removal of the various items of plant, equipment, containers, caravans and other structures and materials, and re-profiling of one of the filter beds at Gagie Filters, Kellas in breach of the terms of the extant Enforcement Notice and Listed Building Enforcement Notice: and
- (ii) to seek to recover the costs associated with the direct action from the owner or lessee of the land.

### **14. THE ANGUS COUNCIL (10 CHURCH STREET, CARNOUSTIE) TREE PRESERVATION ORDER 2018 NO.1**

There was submitted Report No 227/18 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. 1 had come into effect on 16 May 2018. The Report sought confirmation of the Order as detailed in the Report.

The Committee agreed to confirm The Angus Council (10 Church Street, Carnoustie) Tree Preservation Order 2018 No. 1.

### **15. DEVELOPMENT MANAGEMENT REVIEW COMMITTEE DECISIONS 2017/2018**

With reference to Article 14 of the minute of meeting of this Committee of 30 May 2017, there was submitted and noted Report No 228/18 by the Service Leader – Legal and Democratic detailing the outcome of the 17 cases considered by the Development Management Review Committee during the period 1 April 2017 to 30 June 2018 and advising that, of these, nine reviews had been dismissed and eight upheld.