

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 9 April 2019 at 10.00 am.

Present: Councillors DAVID LUMGAIR, GAVIN NICOL, KENNY BRAES, COLIN BROWN, DAVID CHEAPE, BILL DUFF, BRENDA DURNO, 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 Craig Fotheringham.

2. DECLARATIONS OF INTEREST

Councillor Duff declared an interest in Item 6, application No. 18/00531/MSCM, as he had attended a number of meetings in relation to the development and had assisted with vandalism concerns. He indicated that he had expressed no view in relation to the application and that he would take part in any discussion and voting on the item.

Councillor Sturrock declared an interest in Item 6, application No. 18/00531/MSCM, as he had been contacted by and had met with the applicant. He indicated that he had expressed no view in relation to the application and that he would take part in any discussion and voting on the item.

Councillor Sturrock also declared an interest in Items 8 and 10, Report Nos 104/19 and 106/19, as he had been contacted by the applicants and interested parties. He indicated that he had expressed no view in relation to the matters and that he would take part in any discussion and voting on the item.

Councillors Brown, Cheape, Durno, King, McLaren, Moore, Myles and Nicol intimated that in relation to Item 10, Report No 106/19 they had all received email correspondence concerning the development. All members indicated that they had expressed no view in relation to the matter and that they would take part in any discussion and voting on the item.

Councillor Braes declared an interest in Item 6, application No. 18/00531/MSCM, as one of the developers was known to him. He indicated that he had expressed no view in relation to the application and that he would take part in any discussion and voting on the item. Councillor Braes also declared an interest in Item 10, Report No 106/19 as he had met with the developer. He indicated that he had expressed no view in relation to the matter and that he would take part in any discussion and voting on the item.

Councillor McLaren declared an interest in Item 12, Report No 92/19, as a Council appointed member of Cairngorms National Park Authority Board. He indicated that he had a specific dispensation and would therefore participate in any discussion and voting on the item.

3. BUILDING WARRANTS

The Committee noted that during the period 25 February to 31 March 2019, a total of 61 Building Warrants and 18 Amendments to Warrant had been approved with an estimated cost of £3,612,493.

4. DELEGATED DECISIONS

The Committee noted that during the period 23 February to 30 March 2019, a total of 84 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 5 March 2019 was approved as a correct record and signed by the Convener.

PLANNING APPLICATIONS

6. ADMINISTRATION CENTRE, SUNNYSIDE ROYAL HOSPITAL, HILLSIDE, MONTROSE

There was submitted Report No 102/19 by the Service Leader – Planning & Communities detailing application No. 18/00531/MSCM by Sunnyside Estate Ltd for the approval of matters 1a-1l of planning permission reference 17/00190/PPPM for the erection of Phase 1a housing comprising erection of 99 new build dwellings, the conversion of the main hospital building to form 34 dwellings and community space, the conversion of the water tower building to form 9 dwellings and associated landscaping, access and drainage arrangements. The application was recommended for conditional approval.

Slides were shown, following which officers responded to members' questions in relation to drainage and flooding, access to Marykirk Road North, loss of trees and the phasing of the proposed hotel.

Thereafter, Mr Neighbor, an objector and Mr Adam, the applicant's agent, addressed the meeting and answered members' questions.

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

'7. that prior to the commencement of development hereby approved, the developer shall submit a Scheme that permanently restricts the use of the unadopted Marykirk Road North access by site occupants for the further written approval of the planning authority. Once approved, the Scheme shall thereafter be implemented prior to the occupation of any dwellings within the site.

Reason: In the interests of restricting the ability of the site occupants to access and egress the site via the sub-standard access in the interests of road safety.'

7. PITSKELLY PARK, BARRY ROAD, CARNOUSTIE

There was submitted Report No 103/19 by the Service Leader – Planning & Communities detailing application No. 18/00579/FULL by Angus Council for the erection of a new build early learning and childcare centre, associated works and improvements to existing open space at Pitskelly Park, Barry Road, Carnoustie. The application was recommended for conditional approval.

Slides were shown, following which officers responded to members' questions in relation to road safety, footway improvements, car parking/drop off areas and the capacity of the proposed building.

Thereafter, Mr Whyte, an objector, addressed the meeting.

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

8. PROPOSAL OF APPLICATION NOTICE – FORMER MONTROSE AIRFIELD, CHARLETON ROAD, MONTROSE

There was submitted Report No 104/19 by the Service Leader – Planning & Communities advising members of a proposal of application notice No. 19/00037/PAN submitted in respect of the formation of an enterprise park to facilitate uses within Classes 1, 3, 4, 5, 6, 7, 8, 10 and 11 (as defined in the Town and County Planning (Use Classes) (Scotland) Order 1997) and drive through fast food/coffee outlets (hot food takeaway) and a petrol filling station, and all associated infrastructure and landscaping works at former Montrose Airfield, Charleton

Road, Montrose. 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 5.7 of the Report, with the addition that the application should also contain further information on town centre impacts, traffic impact on the local road network and that consideration should also be given to coastal erosion resulting from development in the fore shore area of the site. The Committee also expressed concern and sought further information in relation to the inclusion of the adjacent golf links within the site.

9. ENFORCEMENT UPDATE

There was submitted Report No 105/19 by the Service Leader – Planning & Communities advising members on the progress of enforcement cases which had been agreed previously by this Committee.

Having heard from the Service Leader – Planning & Communities, the Committee agreed to note the contents of the Report and in particular:-

- (i) to note that, with regard to case No. 08/00007, Strathmartine Hospital, the developer's agent had indicated that they remained in discussion with NHS Tayside and that the developer had until 25 April 2021 to submit an application for the approval of matters specified;
- (ii) to note that, with regard to case No. 16/00276, Storage Shed, Muirloch, Liff, a contractor had been nominated to undertake pipeline crossing works and that arrangements were now being made with the National Grid for supervision of the works;
- (iii) to note that, with regard to case No. 13/00195, Land at Gagie Filters, Kellas, no planning application had been submitted to attempt to regularise the presence of the remaining sheds and that the decision not to proceed with direct action would be revisited;
- (iv) to note that, with regard to case No. 18/00016, Field 440m East of Cross Roads Cottage, Balnuith, Tealing, the enforcement notice would be re-served;
- (v) to note that, with regard to case No. 17/00099, Plot Five and The Pond, Over Ascreavie, Kingoldrum, all of the requisite actions had been completed and the case would be closed;
- (vi) to note that, with regard to case No. 18/00072, Former NOSWA Sewage Pumping Station Yard, Craig O'Loch Road, Forfar, discussions regarding the nature and extent of the works were continuing; and
- (vii) to note that, with regard to case No. 18/00114, 3A South Kinloch Street, Carnoustie, the planning application for the amended proposal had been approved and the case would be closed.

10. ENFORCEMENT ACTION – FORESTERS CROFT, OATHLAW

There was submitted Report No 106/19 by the Service Leader – Planning and Communities, advising members on the circumstances relative to a breach of planning control involving the formation of a game bird rearing facility on land at Foresters Croft, Oathlaw.

Slides were shown following which officers responded to members' questions.

The Committee thereafter agreed:-

- (i) to authorise the service of a planning enforcement notice requiring the cessation of the use of the land for the rearing of game birds for sporting purposes and siting and storage of associated buildings, caravans, structures, ponds and its clearance of

other related equipment and materials, and returned to agricultural use, all by 30 April 2019; and

- (ii) to notify the recipients of the enforcement notice that the period for compliance would be extended until 30 September 2019 subject to the approval, implementation and ongoing compliance with measures to control odour, noise, pollution, waste and vermin emanating from the site in the interests of the residential amenity and environment of the area. Such measures shall include but not be limited to the provision of a 100m buffer between any game bird rearing activity and the curtilage of any neighbouring residential property that was not in the ownership and occupation of the operator of the business.

11. SERVICE LEADER PLANNING AND COMMUNITIES: SCHEME OF DELEGATION

With reference to Article 9 of the minute of meeting of this Committee of 11 December 2018, there was submitted Report No 107/19 by the Service Leader – Planning and Communities outlining the background to the examination of the Development Standards Scheme of Delegation by the Short Life Working Group and seeking approval of minor changes to the Scheme of Delegation which would be submitted to Angus Council for consideration.

The Short Life Working Group considered that the current Scheme of Delegation had operated well and considered whether any significant issues had arisen in the operation of the current Scheme and whether further amendment was necessary. The Group had concluded that it remained appropriate but that further clarification would be appropriate in relation to criterion (b).

The Committee agreed:-

- (i) to approve the Planning Scheme of Delegation as detailed in Appendix 1 to the Report;
- (ii) that the proposed amendments to the Planning Scheme of Delegation be submitted to Angus Council for approval prior to submission to Scottish Ministers.

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

12. NEIGHBOURING AUTHORITY LOCAL DEVELOPMENT PLAN CONSULTATIONS CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN 2020 – PROPOSED PLAN

With reference to Article 10 of the minute of meeting of Angus Council of 21 March 2019, there was submitted Report No 92/19 by the Head of Communities, commenting on and providing the suggested basis for the Council's response to consultations on the Cairngorms National Park Local Development Plan 2020 – Proposed Plan.

The Service Leader – Planning and Communities confirmed that the Cairngorms National Park Local Development Plan 2020 – Proposed Plan would be taken into account as a material consideration for development management purposes in the assessment of planning applications and development proposals affecting that part of the Cairngorm National Park within the Angus.

The Committee agreed to note the contents of the Report.