

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 6 August 2019 at 10.00 am.

Present: Councillors DAVID LUMGAIR, GAVIN NICOL, BILL DUFF, BRENDA DURNO, CRAIG FOTHERINGHAM, ALEX KING, IAN McLAREN, RICHARD MOORE and RON STURROCK.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Kenny Braes, Colin Brown and David Cheape.

2. DECLARATIONS OF INTEREST

Councillor Fotheringham declared an interest in item 9, application No. 19/00440/FULL, as he had received emails from residents of The Stables, and had been copied into responses between the officers and residents. He indicated that he had expressed no view or opinion on the content of the emails and that he would take part in any discussion and voting of the item.

Councillor Sturrock declared an interest in item 10, application No. 19/00183/FULL, as he had received an email from the Club and had visited the site. While on site, he had inadvertently met with members of the Rugby Club however, had expressed no view or opinion in relation to the planning application. He indicated that he would participate in any discussion and voting on the item.

Councillor Lumgair declared an interest in item 7, application No. 19/00439/FULL, as the landlord was known to him. He indicated that he would participate in any discussion and voting on the item.

3. BUILDING WARRANTS

The Committee noted that during the period 10 June to 26 July 2019, a total of 112 Building Warrants, 1 Late Warrant, 2 Demolition Warrants and 25 Amendments to Warrant had been approved with an estimated cost of £9,387,531.

4. DELEGATED DECISIONS

The Committee noted that during the period 8 June to 20 July 2019, a total of 87 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 18 June 2019 was approved as a correct record and signed by the Convener.

PLANNING APPLICATIONS

6. UNITS 4A-9, CRAIG O' LOCH ROAD, FORFAR

There was submitted Report No 248/19 by the Service Leader – Planning and Communities detailing application No. 19/00077/FULL by Taylor Shepherd Homes Ltd seeking retrospective permission for the operation of Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses at Units 4A – 9, Craig O' Loch Road, Forfar. The application was recommended for conditional approval.

Slides were shown following which officers responded to members' questions in relation to business uses within Class 4, contaminated land, consequences of the proposal and how best to control the uses within the yard area, and noise limitations.

Councillor Myles joined the meeting at this stage (10.07am).

Thereafter, Councillor Devine on behalf of a number of constituents, Mr Macari, Mrs Macari, on behalf of Mr Melnyk and Mr Beaton, both objectors and Mrs Clark, the applicant's agent addressed the meeting and answered members' questions.

Councillor Lumgair, seconded by Councillor Nicol, moved that the application be approved for the reason and subject to the conditions as detailed in Section 10 of the Report.

COUNCILLOR DUFF, SECONDED BY COUNCILLOR MOORE, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED AS THE PROPOSAL WOULD HAVE AN UNACCEPTABLE ADVERSE IMPACT ON THE SURROUNDING AREA AND AMENITY OF EXISTING OCCUPIERS OF NEARBY PROPERTIES, IN PARTICULAR THE IMPACT FROM NOISE, ODOUR, FUMES AND DUST, AND WAS THEREFORE CONTRARY TO POLICY DS4 OF THE ANGUS LOCAL DEVELOPMENT PLAN.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair and Nicol (2).

For the amendment:-

Councillors Duff, Durno, Fotheringham, King, McLaren, Moore and Sturrock (7).

(Councillors Myles not having taking part in the vote as consideration of the item had commenced prior to Councillor Myles' arrival.)

The amendment was declared carried and the application refused for the reasons as detailed above.

7. PRESSOCK SOLAR FARM, PRESSOCK, GUTHRIE

There was submitted Report No 249/19 by the Service Leader – Planning and Communities detailing application No. 19/00439/FULL by Sel PV 09 Limited which was an application under Section 42 seeking permission to allow development to be undertaken without complying with Condition 1 of planning permission 15/00330/FULL seeking to extend the operational life of the permitted and constructed Solar Farm for an additional five year period, from 26 years after the date when electricity was first generated, to 31 years. The application was recommended for conditional approval.

Slides were shown following which Mr Wood and Mr Smith, both objectors and Ms Tapp, a representative of Lightsource BP on behalf of 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.

8. 58 PRIORY CRESCENT, ARBROATH

There was submitted Report No 250/19 by the Service Leader – Planning and Communities detailing application No. 19/00427/FULL by Angus Council for alteration and extension of a ground floor flat and alteration of an upper floor flat at 58 Priory Crescent, Arbroath. The application was recommended for approval.

Slides were shown.

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

9. FORMER ASHLUDIE HOSPITAL, VICTORIA, STREET, MONIFIETH

There was submitted Report No 251/19 by the Service Leader – Planning and Communities detailing application No. 19/00440/FULL by Miller Homes for the erection of a 2m high timber fence along the northwest site boundary between the Miller Homes development at the former Ashludie Hospital and the existing properties at The Stables, Ashludie, Monifieth. The application was recommended for conditional approval.

Slides were shown following which officers responded to members' questions in relation to protection of residential amenity, comparisons between the wall and the proposed fence, and impacts on vegetation.

Thereafter, Mrs Robertson and Mr Malloy, both objectors, addressed the meeting and answered members' questions.

Councillor Lumgair, seconded by Councillor King, moved that the application be refused as the proposed fence would not attenuate the impacts of noise and lighting from car movement on the residents at 1-4 The Stables and as such the proposed fence would not offer the same level of protection to residents as the 2m wall that was required by Condition 1(e) of planning permission 15/00099/FULM. The proposal therefore failed to offer adequate protection of amenity and was subsequently contrary to the aims of policy DS4 of the Angus Local Development Plan.

The Committee unanimously agreed to refuse the application for the reasons as detailed above.

10. UNION PARK, LINKS AVENUE, MONTROSE

There was submitted Report No 252/19 by the Service Leader – Planning and Communities detailing application No. 19/00183/FULL by Montrose and District Cricket and Rugby Club for the erection of a community building, rugby and cricket club (re-application) at Union Park, Links Avenue, Montrose. The application was recommended for conditional approval.

Slides were shown following which Mr McDonald and Mr McPherson, both objectors, and Mr Campbell, on behalf of the Club, 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.

11. ENFORCEMENT UPDATE

There was submitted Report No 253/19 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. 08/00007, Strathmartine Hospital, a meeting between all relevant services and agencies along with a prospective developer and their agents had been held 23 July 2019 when various issues and options had been discussed regarding new proposals/redevelopment of the site;
- (ii) to note that, with regard to case No. 16/00165, Land 125m West of North Mains Croft, Logie, Kirriemuir, a request for a review of the refusal of application No. 19/00023/FULL had been submitted and would be considered by the Development Management Review Committee in due course;
- (iii) to note that, with regard to case No. 16/00276, Storage Shed, Muirloch, Liff, the Planning Service had attempted to make contact with National Grid directly to ascertain a programme with regard to the works and a response was awaited at this time;

- (iv) to note that, with regard to case No. 13/00195, Land at Gagie Filters, Kellas, the further information requested from the applicant had been received but that the fee was outstanding;
- (v) to note that, with regard to case No. 18/00072, Former NOSWA Sewage Pumping Station Yard, Craig O' Loch Road, Forfar, at the time of serving the Amenity Notice the Sheriff Officers had ascertained that the site owner may no longer be resident at the address and on that basis the Notice had been returned unserved. The Planning Service were looking into alternative options to ascertain the site owner's current address in order that the Amenity Notice could be served; and
- (vi) to note that, with regard to case No. 19/00033, Field South of Tinkers Avenue, Oathlaw, Forfar, an appeal was submitted to the DPEA on 12 May 2019 on the grounds that the Enforcement Notice did not offer sufficient time for the actions contained in the notice to be carried out. The Committee were asked to further note that in the interim period between the production of the Enforcement Update and the meeting, the Reporter's decision had been issued and that the appeal had been dismissed.

12. SITE A2 HOUSING – CRUDIE FARM, ARBIRLOT ROAD WEST, ARBROATH – DRAFT DEVELOPMENT BRIEF

There was submitted Report No 254/19 by the Service Leader – Planning and Communities advising of a development brief that had been prepared in support of Site A2 Housing, Crudie Farm, Arbroath, providing high level guidance to create a development framework to inform subsequent planning applications and to deliver a co-ordinated approach over phased development of the allocation.

The Committee agreed:-

- (i) to approve the Crudie Farm, Arbroath development brief as detailed in Appendix 1 to the Report;
- (ii) to note that the development brief would be a material consideration in the determination of planning application for the site.

13. DEVELOPMENT MANAGEMENT REVIEW COMMITTEE DECISIONS 2018/2019

With reference to Article 14 of the minute of meeting of this Committee of 7 August 2018, there was submitted and noted Report No 255/19 by the Director of Legal and Democratic Services detailing the outcome of the 7 cases considered by the Development Management Review Committee during period 1 April 2018 to 30 June 2019 and advising that, of these 6 reviews had been dismissed and 1 upheld.