

## **ANGUS COUNCIL**

MINUTE of SPECIAL MEETING of **ANGUS COUNCIL** held in the Town and County Hall, Forfar on Thursday 17 October 2019 at 10.00am.

**Present:** Provost RONNIE PROCTOR MBE, Depute Provost COLIN BROWN BEM, Councillors JULIE BELL, BRIAN BOYD, KENNY BRAES, LYNNE DEVINE, BILL DUFF, BRENDA DURNO, DAVID FAIRWEATHER, CRAIG FOTHERINGAM, ALEX KING, BEN LAWRIE, DAVID LUMGAIR, ANGUS MACMILLAN DOUGLAS OBE, MARK McDONALD, IAN McLAREN, RICHARD MOORE, GAVIN NICOL, MARK SALMOND, LOIS SPEED, TOMMY STEWART, RON STURROCK, DEREK WANN and BETH WHITESIDE.

PROVOST RONNIE PROCTOR, in the Chair.

### **1. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors David Cheape, Braden Davy, Sheila Hands and Bob Myles.

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

Councillors Fairweather, Wann, Speed, King and Durno each intimated that they had been approached by individuals with regard to the planning application at Elliot Industrial Estate, but they had made no comment on the matter. Each indicated that they would participate in any discussion and voting on this item.

#### **PART 1 – PRE-DETERMINATION HEARING**

### **3. PRE-DETERMINATION HEARING PROCEDURE**

There was submitted and noted a procedure note in respect of the Pre-Determination Hearing being held in terms of Part 1 to Section 14 of the Planning etc. (Scotland) Act 2006.

Thereafter, the Provost intimated that a late representation had been received from Sustrans which had been circulated to all interested parties, the applicant's agent and all elected members. The terms of the representation would be read out in full as part of the Planning Officer's presentation.

Consequently, it was agreed that the applicant's agent be afforded an additional 5 minutes to her presentation, to make comment on this late representation.

### **4. PLANNING APPLICATION – FACTORY, ELLIOT INDUSTRIAL ESTATE, ARBROATH**

There was submitted Report No 347/19 by the Service Leader – Planning & Communities detailing planning application No. 18/00975/FULL for a proposed retail development, comprising food and non-food units (Class 1), drive thru units (Class 3 and Sui Generis) and ancillary development including access, drainage, landscaping and other associated works for Brackenbrae Investments Limited at factory, Elliot Industrial Estate, Arbroath. The application was recommended for refusal.

It was noted that 57 letters of representation had been received 40 of which were in support of the proposal with 14 raising objection and 3 offering general comments. The letters of representation had been circulated to members of Angus Council and copies had been made available on the Council's public access website.

Mr Murray Agnew, Team Leader (Development Standards Planning), gave a detailed presentation to members on the application, during which Mr Agnew read out in its entirety the representation received from Sustrans.

Slides were shown and the following individuals were heard; Mr Graham Laing of Northplan, an objector on behalf of the Co op, Mr Keith Heggarty on behalf of Kevin Mackay (Mackie Group), Ms Helen Milne, Mr Ken Milne on behalf of John Stirling, MD and owner of Arbilkie

Distillery (all supporters) and Ms Elaine Farquharson-Black of Brodies solicitors on behalf of the applicant.

At each stage of the proceedings the opportunity was given for members to ask questions of each of the individual speakers and in the case of the agent, of the supporting team also, in respect of a number of specific issues.

*The pre-determination concluded at 11.55am and the Council resolved to adjourn for five minutes.*

*The meeting reconvened at 12noon.*

**5. PLANNING APPLICATION – 18/00975/FUL FACTORY, ELLIOT INDUSTRIAL ESTATE, ARBROATH**

Councillor Moore, seconded by Councillor Boyd, moved that application No. 18/00975/FUL be refused for the reasons detailed in section 10 of Report No 347/19.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR WANN, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED, SUBJECT TO A NUMBER OF CONDITIONS TO BE DRAFTED AND BROUGHT BACK TO THE COUNCIL MEETING ON 5 DECEMBER 2019.

Reason:

Although contrary to the provisions of the Development Plan, the proposal was considered to be compatible in land use terms with neighbouring land uses and would improve the qualitative retail offer in Arbroath. The proposal was considered to present a significant economic benefit to Arbroath and a welcome investment. The significant economic benefit was considered to outweigh the provisions set out in the Development Plan and justified a departure from it.

On a vote being taken, members voted:

For the motion:-

Councillors Boyd and Moore (2).

For the amendment:-

Provost Ronnie Proctor, Depute Provost Colin Brown, Councillors Braes, Devine, Duff, Durno, Fairweather, Fortheringham, King, Lawrie, Lumgair, Macmillian Douglas, McDonald, McLaren, Nicol, Salmond, Speed, Stewart, Sturrock, Wann and Whiteside (21).

No vote:-

Councillor Bell.

The amendment was declared carried resulting in the application being approved, subject to conditions being submitted to the meeting of Angus Council on 5 December 2019.