

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held remotely on Monday 21 November 2022 at 2.00 pm.

Present: Councillors BILL DUFF, GAVIN NICOL, KENNY BRAES, HEATHER DORAN, BRENDA DURNO and DAVID FAIRWEATHER.

Councillor DUFF, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST/STATEMENT OF TRANSPARENCY

There were no declarations of interest or statements of transparency made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 8 November 2022 was approved as a correct record and signed by the Convener.

4. 96 DUNDEE STREET, CARNOUSTIE

There was submitted Report No 370/22 by the Director of Legal and Democratic Services detailing an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building, application No 22/00041/FULL, at 96 Dundee Street, Carnoustie.

The Planning Adviser provided an overview of the application for review following which the Committee confirmed that they had sufficient information to consider the review at this meeting.

COUNCILLOR DUFF, SECONDED BY COUNCILLOR NICOL, MOVED THAT THIS COMMITTEE UPHOLDS THE APPLICATION FOR REVIEW AND GRANT PLANNING PERMISSION AS IT WAS THEIR VIEW THAT THE BUILDING HAD PREVIOUSLY BEEN USED FOR COMMERCIAL ACTIVITY AND THERE WAS OTHER COMMERCIAL USES IN THE AREA. THE PROPOSAL WOULD BRING AN UNUSED BUILDING BACK INTO USE AND THE PROPOSED WORKS WOULD POSITIVELY IMPROVE THE APPEARANCE OF THE BUILDING.

Councillor Fairweather, seconded by Councillor Doran, moved as an amendment, that this Committee upholds the decision of the Service Leader (Planning and Sustainable Growth) to refuse planning permission for the reasons as detailed in the Report of Handling, and therefore dismiss the Review.

On a vote being taken, the members voted:-

For the motion:-

Councillors Duff, Nicol and Braes (3).

For the amendment:-

Councillors Doran, Durno and Fairweather (3).

There being an equality of votes, the Convener exercised his casting vote in favour of the motion, resulting in the review being upheld and planning permission granted, subject to the appropriate conditions.

At this stage in the meeting, the Committee considered the following suggested conditions by the Service Leader – Planning & Sustainable Growth which would be attached to the grant of planning permission for application No 22/00041/FULL:-

Conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. Prior to the commencement of development, a scheme for the ventilation and abatement of cooking odours, shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt the aforementioned scheme shall include: -
 - A detailed odour risk assessment carried out following a methodology agreed in advance with the Angus Council Environmental Health Service.
 - Full details of the proposed odour abatement system including grease filters, pre-filters and carbon filters or any other odour abatement method as considered necessary.
 - Full details of all calculations necessary to demonstrate the dwell time within carbon filters and the final efflux velocity from the proposed extract system flue.
 - Detailed drawings showing all ductwork and the discharge position of the exhaust in relation to adjacent properties.
 - A detailed maintenance and cleaning schedule for the kitchen extraction equipment.

Thereafter the approved scheme shall be installed and be fully operational prior to the commencement of the use hereby approved. Subsequently the scheme shall also be maintained in accordance with approved details for all time coming.

Reason: In order to ensure an acceptable scheme for minimising cooking odours is provided, in the interests of protecting the amenity of neighbouring property and in accordance with Policy DS4 of the Angus Local Development Plan (2016).

3. Prior to the commencement of development, a scheme for the siting of a suitable litter bin shall be submitted to and approved in writing by the planning authority. Thereafter the approved scheme shall be implemented prior to the commencement of the use hereby approved and shall be maintained and operated whilst the use operates from the site.

Reason: In order to protect amenity of the area in accordance with Policy DS4 of the Angus Local Development Plan (2016).

4. Prior to the commencement of development, specific details of the colour of the proposed external walls shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy DS3 of the Angus Local Development Plan (2016).

5. Noise from any ventilation plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 35 between 0700 and 2200 and NR curve 25 at all other times.

Reason: In order to regulate noise levels from the development hereby approved in the interests of protecting the amenity of neighbouring property and in accordance with Policy DS4 of the Angus Local Development Plan (2016).

Having considered the conditions, the Committee agreed that the Review be upheld (following the vote) and the application approved for the reasons and subject to the conditions as detailed above.

5. 2B PRINCES STREET, MONIFIETH

There was submitted Report No 371/22 by the Director of Legal and Democratic Services detailing an application for a review seeking the removal of Condition 1 of planning permission ref 22/00122/FULL - relating to the conversion of existing store to dwellinghouse with alterations at 2B Princes Street, Monifieth.

The Planning Adviser provided an overview of the application for review following which the Committee agreed that an unaccompanied site visit be held in due course and that the Committee reconvene following the site visit to discuss the application further.