

# ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town and County Hall, Forfar on Thursday 3 October 2002 at 6.00pm.

**Present:** Councillors STEWART McGLYNN, KITTY RITCHIE, FRANK ELLIS, JOHN HENDERSON, ALEX KING, The Hon R J LESLIE MELVILLE, DAVID LUMGAIR, BRIAN MILNE, PETER MURPHY, BILL ROBERTON, DAVID SELFRIDGE and SANDY WEST.

**Apology:** An apology for absence was intimated on behalf of Councillor RICHARD SPEIRS.  
Councillor McGLYNN, Convener, in the Chair.

## 1. MINUTES OF PREVIOUS MEETINGS

The [minutes of meetings of this Committee of 15 August](#) and [5 September 2002](#) were approved as correct records and signed by the Convener.

## 2. BUILDING WARRANTS

The Committee noted that in the period 26 August - 20 September 2002 a total of 4 Demolition Warrants, 15 Amendments to Warrants and 76 Building Warrants had been approved with an estimated cost of £5,064,628.

## 2. PLANNING APPLICATIONS

### (a) Delegated Approvals

There was submitted [Report No 1131/02](#) by the Director of Planning and Transport detailing the applications granted by him in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications, detailed in the Appendix to the Report, granted under delegated powers during the period 29 August - 26 September 2002.

### (b) 5 Railway Place, Montrose

There was submitted [Report No 1132/02](#) by the Director of Planning and Transport detailing application No 02/00950/FUL by A D Gordon for alterations to the second floor flats at 5 Railway Place, Montrose. The application was recommended for refusal.

Slides were shown.

The Committee agreed that the application be refused as detailed in the Report.

### (c) 65 Knowehead, Kirriemuir

There was submitted [Report No 1133/02](#) by the Director of Planning and Transport detailing application No 02/00816/FUL by Mr Kerr for the erection of a conservatory at 65 Knowehead, Kirriemuir. The application was recommended for refusal.

Slides were shown and Mrs Kerr, the applicant's wife, addressed the Committee.

COUNCILLOR McGLYNN, SECONDED BY COUNCILLOR RITCHIE, MOVED THAT THE APPLICATION BE REFUSED FOR THE REASONS DETAILED IN THE REPORT.

Councillor Leslie Melville, seconded by Councillor Henderson, moved as an amendment that the application be conditionally approved.

Councillor Leslie Melville indicated that her reason for departing from policy was that the application was not breaking a proper building line and no precedent would be created.

On a vote being taken, the members voted:-

For the motion:-

Councillors McGlynn, Ritchie, Ellis, King, Lumgair, Milne, Murphy, Robertson, Selfridge and West (10).

For the amendment:-

Councillors Henderson and Leslie Melville (2).

The motion was declared carried, resulting in the application being refused for the reasons detailed in the Report.

**(d) Prior Road, Forfar**

There was submitted [Report No 1135/02](#) by the Director of Planning and Transport detailing application No 02/00448/FUL by Taylor Shepherd for the erection of 11 dwellinghouses on land at Prior Road, Forfar. The application was recommended for approval.

Slides were shown and Mr Kinnear, an objector, addressed the meeting.

Councillor McGlynn, seconded by Councillor Selfridge, moved that the application be approved as detailed in the Report.

COUNCILLOR ROBERTON, SECONDED BY COUNCILLOR RITCHIE, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE DEFERRED.

On a vote being taken, the members voted:-

For the motion:-

Councillors McGlynn, Murphy, Selfridge and West (4).

For the amendment:-

Councillors Ritchie, Ellis, Henderson, King, Lumgair, Milne and Robertson (7).

No vote - Councillor Leslie Melville (1).

The amendment was declared carried, resulting in the application being deferred.

**(e) The Railway Field, Inverkeilor, Arbroath**

There was submitted [Report No 1137/02](#) by the Director of Planning and Transport detailing application No 02/00310/FUL by Inverkeilor Property Company Ltd for the erection of 35 dwellinghouses and construction of access roads etc at The Railway Field, Inverkeilor, Arbroath. The application was recommended for approval subject to the signing of a Section 75 Agreement.

Slides were shown and Mrs Keddie, an objector, addressed the meeting.

The Committee agreed that the application be approved as detailed in the Report.

**(f) 73 Ravensby Park Gardens, Carnoustie**

There was submitted [Report No 1138/02](#) by the Director of Planning and Transport detailing application No 02/00832/FUL by Mr Hussain for the change of use from shop to hot food take-away at 73 Ravensby Park Gardens, Carnoustie. The application was recommended for approval.

Slides were shown and Mrs Strachan, Mr Walker and Mr Murray, objectors, addressed the meeting.

Councillor McGlynn, seconded by Councillor Ritchie, moved that the application be approved as detailed in the report.

**COUNCILLOR KING, SECONDED BY COUNCILLOR SELFRIDGE, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE REFUSED.**

Councillor King advised that his reasons for departing from policy was that if the application was granted, it would have a detrimental impact on the surrounding area which was predominantly residential and the loss of amenity to the surrounding area.

On a vote being taken, the members voted:-

For the motion:-

Councillors McGlynn, Ritchie and West (3).

For the amendment:-

Councillors Ellis, Henderson, King, Leslie Melville, Lumgair, Milne, Murphy, Robertson and Selfridge (9).

The amendment was declared carried resulting in the application being refused for the reasons detailed above.

**(g) Land at Abbeygate Superstore, High Street, Arbroath**

There was submitted [Report No 1139/02](#) by the Director of Planning and Transport detailing application No 02/00380/TEL by One2One Personal Communications for the installation of a slimline street works telecommunications monopole on land at Abbeygate Superstore, High Street, Arbroath. The application was recommended for approval.

Slides were shown.

**COUNCILLOR McGLYNN, SECONDED BY COUNCILLOR RITCHIE, MOVED THAT THE APPLICATION BE DEFERRED TO ALLOW CLARIFICATION OF THE POSITION OF THE MAST.**

Councillor King, seconded by Councillor Murphy, moved as an amendment, that the application be refused as the pole would unnecessarily obstruct the footpath crossing for the disabled.

On a vote being taken, the members voted:-

For the motion:-

Councillors McGlynn, Ritchie, Ellis, Milne, Robertson, Selfridge and West (7).

For the amendment:-

Councillors Henderson, King, Leslie Melville, Lumgair and Murphy (5).

The motion was declared carried resulting in the application being deferred.

**(h) 7 St James Street, Carnoustie**

There was submitted [Report No 1140/02](#) by the Director of Planning and Transport detailing application No 02/00857/FUL by Mr Campbell for the extension to a dwellinghouse at 7 James Street, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Blackmore, an objector, addressed the meeting.

The Committee agreed that the application be approved as detailed in the Report.

*Councillor West left the meeting at this stage.*

**(i) Land at the Fairway, 47 Panmure Street, Monifieth**

There was submitted [Report No 1141/02](#) by the Director of Planning and Transport detailing application No 02/00877/FUL by Discovery Homes Ltd for the erection of four dwellinghouses on land at The Fairway, 47 Panmure Street, Monifieth. The application was recommended for approval.

The Committee agreed that the application be approved as detailed in the Report.

**(j) Westhaven Farm, Carnoustie**

There was submitted [Report No 1142/02](#) by the Director of Planning and Transport detailing application No 02/00807/FUL by D J Laing for the erection of 14 dwellinghouses and five flats at Westhaven Farm, Carnoustie. The application was recommended for approval.

The Committee agreed that the application be approved as detailed in the Report subject to the following additional condition:-

Additional Condition:-

17. That prior to the commencement of any development on site, a site investigation shall be undertaken to the satisfaction of the Director of Planning & Transport to determine the extent, if any, of land contamination. Thereafter prior to any construction work on site, a scheme of intended mitigation measures shall be submitted for the approval of the Director of Planning & Transport.

Reason:-

17. In the interests of public health and safety.

**(k) Land at Roselea Cottage, Victoria Bridge, Montrose**

There was submitted [Report No 1143/02](#) by the Director of Planning and Transport detailing application No 02/00760/OUT by M Leadingham for the outline erection of a dwellinghouse on land at Roselea Cottage, Victoria Bridge, Montrose. The application was recommended for approval.

The Committee agreed that the application be approved as detailed in the Report subject to the following additional condition:-

Additional Condition:-

16. That the rainwater run-off from the roof and all surfaces be directed to a soakaway system to the satisfaction of the Building Control Authority.

Reason:-

16. In order that the drainage arrangements to serve the site are to the satisfaction of this authority.

**(l) 35 Mackenzie Gardens, Brechin**

With reference to Article 2(f) of the minute of meeting of this Committee of 5 September 2002, there was submitted [Report No 1144/02](#) detailing application No 02/00637/FUL by F Findlater for the erection of a garage at 35 Mackenzie Gardens, Brechin. The application was recommended for refusal.

Slides were shown and Mr Brunton, the applicant's agent, addressed the meeting.

Councillor McGlynn, seconded by Councillor Ritchie, moved that the application be refused as detailed in the Report.

COUNCILLOR LESLIE MELVILLE, SECONDED BY COUNCILLOR MILNE, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED.

Councillor Leslie Melville advised that her reason for moving approval was that the garage was not causing a sightline problem and not setting a precedent.

On a vote being taken, the members voted:-

For the motion:-

Councillors McGlynn, Ritchie and Ellis (3).

For the amendment:-

Councillors Henderson, King, Leslie Melville, Lumgair, Milne, Murphy, Robertson and Selfridge (8).

The amendment was declared carried, resulting in the application being approved.

**(m) Land at Sunnyside, Westfield and Lindsay Street, Kirriemuir**

There was submitted [Report No 1136/02](#) by the Director of Planning and Transport detailing application No 02/00830/OUT by J & J Learmonth for the outline erection of 39 dwellinghouses on land at Sunnyside, Westfield and Lindsay Street, Kirriemuir.

After hearing the Head of Legal Services on this matter, the Committee agreed that consideration of the application be deferred.

**3. MAJOR PLANNING APPLICATIONS - ARBROATH**

There was submitted [Report No 1145/02](#) by the Director of Planning and Transport which sought Committee approval to class planning applications 02/00557/OUT; proposed retail development, Wardmill Road/Dens Road, Arbroath, 02/00619/FUL; proposed retail development, Westway, Arbroath and 02/00969/OUT; proposed retail development, former Westburn Factory, Cairnie Street, Arbroath as major planning applications. The Report also updated the Committee on progress towards their determination.

The Committee agreed:-

- (i) to designate the following as "major" planning applications:-
  - (a) 02/00557/OUT: Proposed Retail Development, Wardmill Road/Dens Road, Arbroath;
  - (b) 02/00619/FUL: Proposed Retail Development, Westway, Arbroath; and
  - (c) 02/00969/OUT: Proposed Retail Development, former Westburn Factory, Cairnie Street, Arbroath;

- (ii) to note that the Director of Planning and Transport, in consultation with the Convener of the Development Control Committee, had utilised his delegated powers to appoint consultants to review the Retail Impact Assessments submitted in support of the applications and to undertake retail survey work in Arbroath; and
- (iii) to hold a special meeting of this Committee, comprising all members of the Council, to consider the applications in Arbroath on Wednesday 27 November 2002.

#### **4. FINALISED TAYSIDE AREA WASTE PLAN**

With reference to Article 9 of the minute of meeting of the Environmental and Consumer Protection Committee of 1 October 2002, there was submitted [Report No 1128/02](#) by the Director of Planning and Transport and the Director of Environmental and Consumer Protection advising the Committee that the Tayside Area Waste Plan had been finalised for publication and summarising the potential implications for Angus as a Planning and Waste Management Authority.

The Report concluded that finalising the Tayside Area Waste Plan, a copy of which had been placed in the Members' Lounge, was an important milestone and would assist in establishing a sustainable approach to waste management in Tayside and contribute to achieving the landfill directive targets required by the UK Government by 2020. Implementation of the Action Plan would have implications for Angus Council in both waste management practice and service delivery and for land use planning.

The Committee agreed to note that the Tayside Area Waste Plan had been finalised for publication and that the document be taken into account as a material consideration in dealing with Development Control casework and planning application areas raising waste management issues.