

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town and County Hall, Forfar on Thursday 20 February 2003 at 6.00pm.

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

Councillor McGLYNN, Convener, in the Chair.

1. MINUTES OF PREVIOUS MEETINGS

The [minutes of meetings of this Committee of 9, 15 and 30 January 2003](#) were approved as correct records and signed by the Convener.

2. BUILDING WARRANTS

The Committee noted that in the period 20 January to 7 February 2003, a total of 1 Staged Warrant, 1 Demolition Warrant, 14 Amendments to Warrants and 69 Building Warrants had been approved with an estimated cost of £3,082,415.

3. ARBROATH RETAIL APPLICATIONS

With reference to Article 3 of the minute of meeting of this Committee of 15 January 2003, when it was agreed that planning application No 02/00619/FUL be approved at Westway Retail Park, Westway, Arbroath, the Committee were advised that the Scottish Executive had 28 days or such longer period as they may determine to decide whether to call the application in for consideration or to allow the Council to issue the decision. The request for the removal of the Section 75 Agreement at the former Safeways premises was also being pursued.

With regard to application No 02/00557/OUT for the erection of a foodstore at Wardmill/Dens Road and application No 02/00969/OUT for the erection of a foodstore at former Westburn Foundry, appeals had been lodged by the respective applicants against the Council's refusal. Both appeals were to be considered by Public Inquiry.

The Committee noted the position and agreed to delegate the appointment of a planning consultant and/or a legal representative to represent the Council at any forthcoming inquiry.

4. PLANNING APPLICATIONS

(a) Delegated Approvals

There was submitted [Report No 223/03](#) 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 23 January - 12 February 2003.

(b) North Auchray Farm, Strathmartine

With reference to Article 4 of the minute of meeting of this Committee of 9 January 2003, there was submitted [Report No 224/03](#) by the Director of Planning and Transport detailing Application No 02/00174/FUL by George Robertson for the filling in of areas to bring up to the surrounding area at North Auchray Farm, Strathmartine. The application was recommended for approval.

Slides were shown and Mr Bruce, Strathmartine Community Council, addressed the meeting and Mr Robertson, the applicant, answered members questions.

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

9. That no burning of materials takes place within the site.

Reason:

9. In order that the general amenity of the area shall not be affected.

(c) Land at Mains of Kirkbuddo, by Forfar

There was submitted [Report No 225/03](#) by the Director of Planning and Transport detailing Application No 02/01340/OUT by Mr W Nicoll for the outline erection of a dwellinghouse and garage on land at Mains of Kirkbuddo, by Forfar. The Committee noted that the application had been deferred.

(d) Plot 2, 20 Holdings, Tealing

There was submitted [Report No 226/03](#) by the Director of Planning and Transport detailing Application No 02/01345/OUT by Miss Dorothy Clark for the erection of a dwellinghouse on land at Plot 2, 20 Holdings, Tealing. The application was recommended for refusal.

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

(e) Old Mansion House, Auchterhouse

There was submitted [Report No 227/03](#) by the Director of Planning and Transport detailing Application No 02/01326/FUL by Mr A McLeod for the erection of an enclosure over an existing swimming pool at the Old Mansion House, Auchterhouse. The application was recommended for refusal.

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

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

(f) Land at (South Side) Brechin Road, Kirriemuir

There was submitted [Report No 228/03](#) by the Director of Planning and Transport detailing Application No 02/01280/FUL by Mr and Mrs G Davidson for the erection of an equestrian centre, stables and a dwellinghouse on land at (South Side), Brechin Road, Kirriemuir. The application was recommended for refusal.

Slides were shown and Mrs Davidson, the applicant and Councillor Mackintosh, addressed the meeting.

Councillor King indicated that he would wish to see possible conditions which might be attached to a grant of planning permission, to enable him to form a view on the matter.

Councillor McGlynn, seconded by Councillor Ellis moved that the application be refused for the reasons detailed in the Report.

COUNCILLOR KING, SECONDED BY COUNCILLOR SPEIRS, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE DEFERRED TO ALLOW A FURTHER REPORT TO BE SUBMITTED TO A FUTURE MEETING.

On a vote being taken the members voted:-

For the motion:

Councillors McGlynn, Ellis, Ritchie, Selfridge and West. (5)

For the amendment:

Councillors Henderson, King, Leslie-Melville, Lumgair, Milne, Murphy, Robertson and Speirs (8)

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

(g) Site 2, Huntlyhill Cottage, Logie Pert, Montrose

There was submitted [Report No 229/03](#) by the Director of Planning and Transport detailing Application No 02/01343/FUL by L Patience for the erection of a dwellinghouse at site 2, Huntlyhill Cottage, Logie Pert, Montrose. The application was recommended for refusal.

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

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

(h) 119 Coupar Angus Road, Muirhead, Dundee

There was submitted [Report No 230/03](#) by the Director of Planning and Transport detailing Application No 02/01182/FUL by Mr and Mrs McKindley for alterations and extension to a dwellinghouse at 119 Coupar Angus Road, Muirhead, Dundee. The application was recommended for refusal.

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

(i) 100 Dundee Street, Carnoustie

There was submitted [Report No 231/03](#) by the Director of Planning and Transport detailing Application No 02/01337/FUL by Nael Hanna for the erection of an extension and change of use from Church to cafeteria/restaurant at St Anne's Roman Catholic Church, 100 Dundee Street, Carnoustie. The application was recommended for approval.

Slides were shown.

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

(j) Shanlemar, 4a Kingston Road, Kingsmuir, by Forfar

There was submitted [Report No 232/03](#) by the Director of Planning and Transport detailing Application No 02/01375/FUL by Mr L Wigley for the alterations and extension to a dwellinghouses at Shanlemar, 4a Kingston Road, Kingsmuir, Forfar. The Committee noted that the application had been withdrawn.

(k) Land at Grange Road, Monifieth

There was submitted [Report No 233/03](#) by the Director of Planning and Transport detailing Application No 02/01222/FUL by T Docherty Ltd for the erection of two dwellinghouses on land at Grange House, Grange Gardens, Monifieth. The application was recommended for approval.

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

(l) Land at Kingennie Fishings, Wellbank

There was submitted [Report No 234/03](#) by the Director of Planning and Transport detailing Application No 02/00364/OUT by Michael Forbes for the outline erection of a mixed use leisure/sporting/tourist/residential development at Kingennie Fishings, Wellbank, Kingennie. The application was recommended for approval.

Slides were shown and Councillor Oswald, the local member addressed the meeting.

The Committee agreed that the application be approved subject to the following additional condition:-

Delete condition 7, and replace with:-

7. That notwithstanding the details indicated in the submitted plans, Drawing No 873/EL02-A is the only plan which is approved and this is only approved as a concept plan providing for:-
- a new fishing reception lodge;
 - 8 visitor lodges;
 - picnic/recreational areas;
 - woodland walk/cycle track;
 - use of farm reservoir as family fishing pond;
 - associated car parking;
 - bus lay-by;
 - structured planting;
 - residential development not exceeding 14 dwellinghouses.

Reason:

7. In order to clarify the details of the consent as the application is for outline consent only.

Councillor McGlynn declared an interest in the following application and left the meeting during its consideration. Councillor Ellis, Vice-Convener, took the Chair.

(m) 79 High Street, Monifieth

There was submitted [Report No 235/03](#) by the Director of Planning and Transport detailing Application No 02/01318/FUL by James Friel for the change of use of a vacant office to a taxi control office at 79 High Street, Monifieth. The application was recommended for approval.

Slides were shown and Mr McGrouther, an objector, and Mr Friel, the applicant, addressed the meeting.

The Committee agreed that the application be approved subject to the following additional conditions:-

4. That the office be used as a control office only with no public/customer access permitted.
5. That no taxis be parked in the parking area to the rear of the premises.

Reasons:

4. In the interests of public safety and convenience.
5. In the interests of road traffic and/or pedestrian safety.

(n) 18 Beechgrove, Monifieth

There was submitted [Report No 236/03](#) by the Director of Planning and Transport detailing Application No 02/01342/FUL by Mrs Knox for the extension to a dwellinghouse at 18 Beechgrove, Monifieth. The application was recommended for approval.

Slides were shown and Mr Dagen, the objector's agent and Mrs Knox, the applicant, addressed the meeting.

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

(o) Forties Road, Montrose

There was submitted [Report No 237/03](#) by the Director of Planning and Transport detailing Application No 02/01263/FUL by John Lawrie (Aberdeen) Ltd for the resiting and extension to pipe servicing area at Forties Road, Montrose. The application was recommended for approval.

Slides were shown.

COUNCILLOR McGLYNN, SECONDED BY COUNCILLOR KING, MOVED THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT SUBJECT TO THE FOLLOWING ADDITIONAL CONDITION:

3. That the existing fence be fully repaired and further timber slats infilled to give a closed fence to the satisfaction of the Director of Planning and Transport.

Reason:

3. In order that the amenity of nearby occupied premises shall be adequately safeguarded.

Councillor Ritchie, seconded by Councillor Robertson, moved as an amendment, that the application be deferred.

On a vote being taken, the members voted:-

For the motion:

Councillors McGlynn, Ellis, Henderson, King, Leslie-Melville, Lumgair, Milne, Murphy, Selfridge and West (10).

For the amendment:

Councillors Ritchie and Robertson (2).

The motion was declared carried resulting in the application being conditionally approved subject to the additional condition as detailed above and the following amended condition: -

1. That the new rails associated with the proposed works be covered with a rubber coating and be maintained in good order thereafter, all to the satisfaction of the Director of Planning and Transport.

Reason:

1. In order that the amenity of nearby occupied premises shall be adequately safeguarded.

(p) Land at Seaton of Usan, Montrose

There was submitted [Report No 238/03](#) by the Director of Planning and Transport detailing Application No 02/01388/FUL by D Pullar for the erection of a dwellinghouse on land at Seaton of Usan, Montrose. The Committee noted that the application had been withdrawn.

(q) Barns of Craig Farm Steading, Montrose

There was submitted [Report No 239/03](#) by the Director of Planning and Transport detailing Application No 02/01348/FUL by Anniston Farms (Arbroath) Ltd for the conversion of a steading into seven dwellinghouses at Barns of Craig Farm Steading, Montrose. The application was recommended for approval.

Slides were shown and Mr Napier, Ferryden Community Council, Mr Ogilvy and Mr Scoular, objectors, and Mr Stirling, the applicant, addressed the meeting.

COUNCILLOR McGLYNN, SECONDED BY COUNCILLOR KING, MOVED THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT.

Councillor West, seconded by Councillor Ritchie, moved as an amendment, that the application be refused as the scale of the proposed development was too great in a countryside location and would result in over development of the existing community.

On a vote being taken, the members voted:-

For the motion:-

Councillors McGlynn, Ellis, Henderson, King, Leslie-Melville, Lumgair, Milne and Robertson (8).

For the amendment:-

Councillors Murphy, Ritchie, Selfridge and West (4)

The motion was declared carried resulting in the application being approved as detailed in the Report.

Councillor Murphy left the meeting at this stage.

(r) Plot 8, Barns of Craig Farm, Montrose

There was submitted [Report No 240/03](#) by the Director of Planning and Transport detailing Application No 02/01347/OUT by Anniston Farms (Arbroath) Ltd for the outline erection of a dwellinghouse at Plot 8, Barns of Craig Farm, Montrose. The application was recommended for approval.

Slides were shown.

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

(s) 48 St Brioc Way, Ferryden, Montrose

There was submitted [Report No 241/03](#) by the Director of Planning and Transport detailing Application No 03/00053/FUL by Mr I and Mrs D Cuthbert for the erection of a boundary fence at 48 St Brioc Way, Ferryden, Montrose. The application was recommended for approval.

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

5. ENFORCEMENT ACTION - POLYTUNNEL, BALLINSHOE FARM, KIRRIEMUIR

With reference to Article 18 of the minute of meeting of this Committee of 30 January 2003, there was submitted [Report No 242/03](#) by the Director of Planning and Transport which detailed the circumstances relative to a recommendation to take enforcement action in respect of the unauthorised erection of a large, commercial-scale polytunnel at Ballinshoe Farm, by Kirriemuir.

The Report indicated that temporary structures erected for farming purposes often benefited from permitted development rights. Initially therefore, the officers had to determine whether or not planning permission was required. Following investigation and research, it was determined that planning consent was indeed required and the farmer had been requested to submit an application for planning consent, but to date no application had been received.

Mr Docherty, the agent for Mr Lilley, the farm owner, addressed the meeting followed by Mr Murray, the owner of the property which had been the subject of flooding since the erection of the polytunnel.

After hearing members it was agreed that there had been a breach of planning control and the development might have given rise to a flooding problem. It was therefore appropriate for the Council to consider the propensity of the development to contribute to flood risk as a material planning consideration. The submission of a planning application would regularise the position and allow more information on drainage to be obtained.

It was therefore agreed that should a planning application fail to be submitted within one month of the date of this meeting, enforcement action be taken in respect of the unauthorised erection of a polytunnel at Ballinshoe Farm.