

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town and County Hall, Forfar on Thursday 13 March 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. BUILDING WARRANTS

The Committee noted that in the period 10-28 February 2003, a total of one Demolition Warrant, 12 Staged Warrants and 70 Building Warrants had been approved with an estimated cost of £4,574,090.

### 2. PLANNING APPLICATIONS

#### (a) Arbroath Retail Applications

With reference to Article 3 of the minute of meeting of this Committee of 20 February 2003, the Committee noted that the Scottish Ministers had advised that they were extending the time period for deciding whether to call in the approved application until 3 April 2003.

#### (b) Delegated Approvals

There was submitted [Report No 347/03](#) 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 13 February-5 March 2003.

#### (c) Land at Sunnyside, Westfield and Lindsay Street, Kirriemuir

With reference to Article 2(m) of the minute of meeting of this Committee of 3 October 2002, there was submitted [Report No 362/03](#) 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. The application was recommended for approval.

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

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

14. that no house plot be less than 400 square metres in extent.

Reason:

14. In the interest of residential amenity

#### (d) 10 Beulah Howe, Forfar

There was submitted [Report No 348/03](#) by the Director of Planning and Transport detailing Application No 03/00018/FUL by Mr D Shepherd for the erection of a conservatory and car port at 10 Beulah Howe, Forfar. The application was recommended for approval.

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

**(e) 21 Maule Street, Carnoustie**

There was submitted [Report No 349/03](#) by the Director of Planning and Transport detailing Application No 02/01350/FUL by Mr & Mrs D M White for the alteration and extension to a dwellinghouse at 21 Maule Street, Carnoustie.

The Committee noted that the application had been deferred.

**(f) Kirkstyle Cottage, Kingoldrum, Kirriemuir**

There was submitted [Report No 351/03](#) by the Director of Planning and Transport detailing Application No 03/00013/FUL by Mr Bill Sutherland for the erection of a double garage at Kirkstyle Cottage, Kingoldrum, Kirriemuir. The application was recommended for refusal.

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

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

Councillor Speirs, seconded by Councillor Leslie Melville moved as an amendment, that the application be approved subject to the floor level being the same as that of the house and to any other conditions as felt appropriate by the Director of Planning and Transport.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors Henderson, King, Leslie Melville, Lumgair, Murphy and Speirs (6).

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

*Councillor Lumgair declared an interest in the following item and left the meeting during its consideration.*

**(g) Land at Mains of Kirkbuddo, By Forfar**

With reference to Article 4(c) of the minute of meeting of this Committee of 20 February 2003, there was submitted [Report No 352/03](#) 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 at land at Mains of Kirkbuddo, by Forfar. The application was recommended for refusal.

Slides were shown and Mr Coutts, the applicant's agent, 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 Leslie Melville moved as an amendment, that the application be deferred to allow a further report to be submitted.

On a vote being taken, the members voted:-

For the motion:-

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

For the amendment:-

Councillors Henderson, King, Leslie Melville, Milne and Speirs (5).

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

**(h) Land at 20 North Street, Forfar**

There was submitted [Report No 373/03](#) by the Director of Planning and Transport detailing Application No 03/00039/FUL by Mr D Stewart for the erection of a dwellinghouse on land at 20 North Street, Forfar. The application was recommended for refusal.

Slides were shown.

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

**(i) Land Adjacent to Roadman's Cottage, Barnhead, Montrose**

There was submitted [Report No 353/03](#) by the Director of Planning and Transport detailing Application No 03/00117/FUL by Mr & Mrs Flemming for the erection of a dwellinghouse on land adjacent to Roadman's Cottage, Barnhead, Montrose.

The Committee noted that the applicant had withdrawn the application.

**(j) Land at (South Side) Brechin Road, Kirriemuir**

With reference to Article 4(f) of the minute of meeting of this Committee of 20 February 2003, there was submitted [Report No 354/03](#) by the Director of Planning and Transport detailing Application No 02/01280/FUL by Mr & Mrs G Davidson for the erection of an equestrian centre, stables and dwellinghouse on land at (south side) Brechin Road, Kirriemuir.

The Convener indicated that the applicant had withdrawn the application. While he would not wish to prejudice a possible future planning application for a similar development, he considered that option four in the Director's supplementary report looked as though it could offer a better way forward.

The Committee noted the position.

*Councillor Ellis declared an interest in the following item and left the meeting during its consideration.*

**(k) West Cottage, Kellas, Broughty Ferry, Dundee**

There was submitted [Report No 355/03](#) by the Director of Planning and Transport detailing Application No 03/00099/FUL by Marilyn Mauran for the formation of a driveway at West Cottage, Kellas, Broughty Ferry. The application was recommended for approval.

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

**(l) Land at 2 South Grange Cottages, Monifieth**

There was submitted [Report No 356/03](#) by the Director of Planning and Transport detailing Application No 02/01330/FUL by Mr S Ogilvie for the erection of a dwellinghouse and garage on land adjacent to 2 South Grange Cottages, Monifieth. The application was recommended for approval.

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

**(m) Milton Park Garage, 82 Ferry Road, Monifieth**

There was submitted [Report No 357/03](#) by the Director of Planning and Transport detailing Application No 02/01354/FUL by Mr S Butchart for the change of use of shop to a motor cycle showroom and garage reception at Milton Park Garage, 82 Ferry Road, Monifieth. The application was recommended for approval.

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

**(n) Land at Benholm House, Glamis Road, Forfar**

There was submitted [Report No 358/03](#) by the Director of Planning and Transport detailing Application No 03/00089/FUL by Steeple Properties Limited for the erection of two dwellinghouses on land at Benholm House, Forfar. The application was recommended for approval.

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

**(o) Land at Halkerton Rise, Forfar**

There was submitted [Report No 359/03](#) by the Director of Planning and Transport detailing Application No 03/00102/FUL by Mr M G Stent for the erection of a dwellinghouse on land at Halkerton Rise, Forfar. The application was recommended for approval.

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

**(p) Land at Prior Road, Forfar**

There was submitted [Report No 360/03](#) by the Director of Planning and Transport detailing Application No 03/00019/OUT by Wester Restenneth Company Limited for the erection of five dwellinghouses on land at Prior Road, Forfar. The application was recommended for approval.

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

**(q) Land at West Hemming Street, Letham**

There was submitted [Report No 361/03](#) by the Director of Planning and Transport detailing Application No 03/00045/FUL by Mr S Tasker for the erection of two dwellinghouses on land at West Hemming Street, Letham. The application was recommended for approval.

Slides were shown and Mr Hardie, the objector's agent, and Mr Fraser, the applicant's agent, addressed the meeting.

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

5. That notwithstanding the details indicated in the submitted plans, the precise details of the treatment to the western boundary shall be submitted to and approved by the Director of Planning and Transport. The said details shall provide for repair and maintenance where appropriate to the satisfaction of the Director of Planning and Transport.

Reason:

5. In the interests of visual and residential amenity.

**(r) 5 High Street, Brechin**

There was submitted [Report No 363/03](#) by the Director of Planning and Transport detailing Application No 02/01277/FUL by Mrs Roslynn McGowan for the change of use from shop to café/takeaway at 5 High Street, Brechin. The application was recommended for approval.

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

**(s) 27 Northesk Road, Montrose**

There was submitted [Report No 364/03](#) by the Director of Planning and Transport detailing Application No 03/00121/FUL by Mrs G Edgar for the erection of a dwellinghouse at 27 Northesk Road, Montrose. The application was recommended for approval.

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

**(t) 14-16 Ogilvy Place, Arbroath**

There was submitted [Report No 366/03](#) by the Director of Planning and Transport detailing Application No 02/01019/FUL by Treadwise for the change of use from potato store to car repair workshop at 14-16 Ogilvy Place, Arbroath. The application was recommended for approval.

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

**3. PLANNING APPEAL DECISIONS**

**(a) Newton of Idvies Farm, Forfar**

With reference to Article 2(h) of the minute of meeting of this Committee of 15 August 2002, there was submitted [Report No 367/03](#) by the Director of Planning and Transport detailing the findings of the Reporter appointed by Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for the erection of a house at Newton of Idvies Farm, by Forfar.

The Committee noted that the appeal had been dismissed.

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

With reference to Article 2(f) of the minute of meeting of this Committee of 3 October 2002, there was submitted [Report No 368/03](#) by the Director of Planning and Transport detailing the findings of the Reporter appointed by Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for change of use of a shop to a hot food takeaway at 73 Ravensby Park Gardens, Carnoustie.

The Committee noted that the appeal had been dismissed.

**4. CAIRNGORMS NATIONAL PARK - PROGRESS AND PLANNING PROTOCOLS**

With reference to Article 10 of the minute of meeting of the Planning and Transport Policy Committee of 6 March 2003, there was submitted [Report No 296/03](#) by the Director of Planning and Transport which advised members of progress in implementing the Cairngorms National Park, including protocols to be prepared and agreed for the operation of development planning and development control arrangements within the National Park area.

The Committee, for its interest, agreed to note the terms of the Report.

**5. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 27(2), that the public and press be excluded during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3, 4 and 6.

**6. REQUEST FOR FINANCIAL ASSISTANCE**

With reference to Article 5 of the minute of meeting of this Committee of 9 May 2000, there was submitted [Report No 369/03](#) by the Director of Planning and Transport which detailed the request for financial assistance towards the cost of works which had been implemented via an Urgent Works Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and to the recovery by the Council of the cost of the works carried out under the Urgent Works Notice.

The Committee agreed:-

- (i) to authorise the award of grant assistance to the owner of the property for 50% of the cost of the works being carried out on behalf of the Council and under the Urgent Works Notice up to a maximum grant of £3,000; and
- (ii) to authorise the Director of Law and Administration to take all necessary steps to recover the balance of the cost of the works (including, if necessary, court action).