

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 4 December 2007 at 10.00 am.

Present: Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, COLIN BROWN, FRANK ELLIS, IAIN GAUL, ALEX KING, RUTH LESLIE MELVILLE MBE, HELEN OSWALD, ROBERT SPINK and PAUL VALENTINE.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Ralph Palmer and Mark Salmond.

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

In terms of the Councillors' Code of Conduct and the Council's Good Practice Guidelines, the following undernoted declarations of interest/intimations of contact were made:-

- Councillor Leslie Melville declared an interest in item 27, 18 Caldhome Gardens, Brechin as she was a relative of the party involved. She advised that she would not be taking part in the discussion.
- Councillor Oswald intimated that in relation to item 25, application No 07/00044/FUL, she had received emails from an objector. However, she had not opened the correspondence and advised that she would be taking part in the discussion.
- Councillor Valentine intimated that in relation to item 10, application No 07/01310/FUL, he knew the applicant. He advised that he would be taking part in the discussion.

3. BUILDING WARRANTS

The Committee noted that, in the period 5 - 23 November 2007, a total of 1 Staged Warrant, 3 Demolition Warrants, 11 Amendments to Warrants and 81 Building Warrants had been approved with an estimated cost of £10,410,770.

PLANNING APPLICATIONS

4. DELEGATED APPROVALS

There was submitted [Report No 1145/07](#) by the Director of Infrastructure Services detailing applications granted by the Head of Planning and Transport in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the 34 applications detailed in the Appendix to the Report granted under delegated powers during the period 6 – 27 November 2007.

5. 18 LOCHLANDS DRIVE, ARBROATH

There was submitted [Report No 1146/07](#) by the Director of Infrastructure Services detailing application No 07/01147/FUL by Mrs M Hagan for the erection of a conservatory at 18 Lochlands Drive, Arbroath. The application was recommended for refusal.

Slides were shown.

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

6. SHELTERED HOUSING, NEWINGTON GARDENS, BRECHIN

There was submitted [Report No 1147/07](#) by the Director of Infrastructure Services detailing application No 07/01354/FUL by Angus Council for the erection of a new fire escape stairway and enclosed access walkways, new entrance with warden's office, lift and dayroom and extension to the car parking area at the sheltered housing building, Newington Gardens, Brechin. The application was recommended for approval.

Slides were shown.

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

7. 11 GREEN STREET, FORFAR

There was submitted [Report No 1149/07](#) by the Director of Infrastructure Services detailing application No 07/01268/FUL by Mr N Catto for the erection of a garage and boundary wall at 11 Green Street, Forfar. The application was recommended for approval.

Slides were shown and Dr McFarlane, the objector's representative, addressed the meeting.

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

8. TRAVEL INN, ETHIEBEATON PARK, MONIFIETH

There was submitted [Report No 1150/07](#) by the Director of Infrastructure Services detailing application No 07/01468/ADV by Whitbread Group Plc for the erection of an internally illuminated advertisement sign at Premier Travel Inn, Ethiebeaton Park, Monifieth. The application was recommended for refusal.

Slides were shown.

The Committee agreed that the application be refused for the reasons detailed in the Report and that enforcement action be pursued for the removal of the sign.

9. 1 FONTSTANE PLACE, MONIFIETH

There was submitted [Report No 1151/07](#) by the Director of Infrastructure Services detailing application No 07/01444/FUL by Mr J Mitchell for the erection of a fence (retrospective) at 1 Fontstane Place, Monifieth. The application was recommended for approval.

Slides were shown.

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

10. GARAGES AT PARK HOTEL, MILL STREET, MONTROSE

There was submitted [Report No 1152/07](#) by the Director of Infrastructure Services detailing application No 07/01310/FUL by Mark James for the change of use of garages and erection of a portacabin to form a taxi business on land to the rear of the Park Hotel, Mill Street, Montrose. The application was recommended for approval.

Slides were shown.

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

11. 2A LOWNIE ROAD, KINGSMUIR, FORFAR

There was submitted [Report No 1153/07](#) by the Director of Infrastructure Services detailing application No 07/01463/FUL by Mr H Oldershaw for the erection of a garage at 2A Lownie Road, Kingsmuir, 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.

12. 56 AUCHMITHIE, ARBROATH

There was submitted [Report No 1155/07](#) by the Director of Infrastructure Services detailing application No 07/01342/FUL by Mr Frank Reid for the alterations to a dwellinghouse to form two dwellinghouses at 56 Auchmithie, Arbroath. The application was recommended for refusal.

Slides were shown and Mrs Ferguson, the applicant's representative, addressed the meeting.

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

13. FALLAWS FARM, ARBIRLOT, ARBROATH

There was submitted [Report No 1156/07](#) by the Director of Infrastructure Services detailing application No 07/01183/FUL by John Sim & Sons for the erection of an essential worker's dwelling at Fallaws Farm, Arbirlot. The application was recommended for refusal.

Slides were shown and Mrs Sim, the applicant's representative, addressed the meeting.

The Committee agreed that the application be deferred for further discussion with the applicant.

14. LAND AT WITTON FARM, GLEN LETHNOT, EDZELL

There was submitted [Report No 1157/07](#) by the Director of Infrastructure Services detailing application No 07/00851/FUL by Mr & Mrs G Yarr for the erection of a dwellinghouse on land at Witton Farm, Glen Lethnot, Edzell.

The Committee noted that the applicant had withdrawn the application.

15. SITE AT GLENMARKIE RIDING CENTRE, GLEN ISLA,

There was submitted [Report No 1159/07](#) by the Director of Infrastructure Services detailing application No 07/00721/OUT by Mrs Carol Shepherd for the erection of a dwellinghouse on a site at Glenmarkie Riding Centre, Glen Isla. The application was recommended for refusal.

Slides were shown.

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

16. CLINTLAW SAWMILL COTTAGE, LINRATHEN BY KIRRIEMUIR

There was submitted [Report No 1160/07](#) by the Director of Infrastructure Services detailing application No 07/01353/FUL by J & E Shepherd for the demolition of an existing dwellinghouse and erection of a replacement dwellinghouse at Clintlaw Sawmill Cottage, Lintrathen, by Kirriemuir. The application was recommended for refusal.

Slides were shown.

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

17. LAND ADJACENT TO WATERSIDE COTTAGE, NEW MILL OF ETHIE, INVERKEILOR

There was submitted [Report No 1161/07](#) by the Director of Infrastructure Services detailing application No 06/01572/OUT by Mr R Adamson and Ms E Laurie for the erection of a dwellinghouse on land adjacent to Waterside Cottage at New Mill of Ethie, Inverkeilor. The application was recommended for approval.

Slides were shown.

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

18. LAND AT PITMUDIE CENTRAL, KINGOLDRUM, BY KIRRIEMUIR

With reference to Article 23 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 1162/07](#) by the Director of Infrastructure Services which detailed conditions to be attached to planning application No 07/01332/OUT for the erection of a dwellinghouse on land at Pitmudie Central, Kingoldrum, by Kirriemuir.

The Committee agreed the conditions and terms of the Section 75 Agreement as detailed in the Report.

19. ROSEDENE, THE ROW, DOUGLASTOWN

With reference to Article 19 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 1163/07](#) by the Director of Infrastructure Services detailing conditions to be attached to planning application No 07/00966/FUL by Mr Watt and Miss Bradford for the change of use from garage to dog grooming parlour at The Row, Douglastown, Forfar.

The Committee agreed the conditions as detailed in the Report.

Councillor Ellis, left the meeting at this stage.

At this point, the Committee agreed to adjourn for lunch and reconvene at 2.00 pm.

20. 27 MARKETGATE, ARBROATH

There was submitted [Report No 1164/07](#) by the Director of Infrastructure Services detailing application No 07/00956/FUL, 07/00982/LBC and 07/00983/CON by Mr James Cargill for the demolition of a listed building within a conservation area and erection of 9 flats at 27 Marketgate, Arbroath. The applications were recommended for refusal.

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

The Committee agreed that the applications be refused for the reasons detailed below:-

Application No 07/00956/FUL

1. That the applicant had not demonstrated through structural surveys and feasibility studies that the condition of the building was such that it was impracticable to repair, renovate or adapt it to any reasonably beneficial use. In light of this the proposal failed to comply with Policies ENV31, ENV32, ENV39 and ENV44 of the adopted Angus Local Plan and it was considered that the proposal failed to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
2. That the proposal would be contrary to Policy ENV37 of the Angus Local Plan inasmuch as the proposed development did not respect the character and appearance of the area in terms of design, scale, proportions, external materials and massing and did not maintain the important spaces between buildings within the conservation area;
3. That the proposal would fail Policy ENV 5 of the Angus Local Plan (2000) because it failed to be compatible with other policies of the local plan, namely Policies ENV 31, ENV 32, ENV 37, ENV 39, ENV 44, H2, H5 and H21;
4. That the proposed development was not considered to be acceptable as it sought to demolish an existing structurally sound building and in this respect it was at odds with criterion (b) Policy H2 in the Angus Local Plan 2000; and
5. That the proposal would fail Policy H21 of the Angus Local Plan (2000) because it failed to be compatible with other policies of the local plan, namely Policy H5.

Application No 07/00982/LBC

1. That the applicant had not demonstrated through structural surveys and feasibility studies that the condition of the building was such that it was impracticable to repair, renovate or adapt it to any reasonably beneficial use. In light of this the proposal failed to comply with Policy ENV44 of the adopted Angus Local Plan and it was considered that the proposal failed to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Application No 07/00983/CON

1. That the applicant had not demonstrated through structural surveys and feasibility studies that the condition of the building was such that it was impracticable to repair, renovate or adapt it to any reasonably beneficial use. In light of this the proposal failed to comply with Policies ENV31, ENV32 and ENV39 of the adopted Angus Local Plan and it was considered that the proposal failed to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

21. THE ABATTOIR, MONTROSE ROAD, BRECHIN

There was submitted [Report No 1165/07](#) by the Director of Infrastructure Services detailing application No 07/00650/FUL by Mr A Jess, for the extension to the current rendering plant facility to allow additional capacity for handling and destruction of animal bi-products category waste 2 description at The Abattoir, Montrose Road, Brechin.

Slides were shown.

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

22. MAINS OF PANMURE FARM STEADING, PANMURE, CARNOUSTIE

There was submitted [Report No 1166/07](#) by the Director of Infrastructure Services detailing application No 07/01436/OUT by Clova Farms Limited for the redevelopment of farm steading to form 15 residential units at Mains of Panmure Farm Steading, Panmure, Carnoustie. The application was recommended for refusal.

Slides were shown.

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

23. 5 LOCHBANK GARDENS (PLOT 42), FORFAR

There was submitted [Report No 1167/07](#) by the Director of Infrastructure Services detailing application No 07/01462/FUL by Elite Homes (Tayside) Limited for the erection of a dwellinghouse on land at 5 Lochbank Gardens, Forfar. The application was recommended for refusal.

The Committee noted that the applicant had withdrawn the application.

24. ST RULE'S PARISH CHURCH AND CHURCHYARD, CHURCH STREET, MONIFIETH

There was submitted [Report No 1168/07](#) by the Director of Infrastructure Services detailing application No 07/00369/TEL and 07/00370/LBC by T-Mobile (UK) Ltd. for telecommunications installation in the form of a flagpole at St Rule's Parish Church, Church Street, Monifieth. The application was recommended for approval.

Slides were shown.

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

25. LAND AT EAST SKICHEN FARM, MONIKIE

There was submitted [Report No 1169/07](#) by the Director of Infrastructure Services detailing application No 07/00044/FUL by N Power Renewables for the erection of a 50 metre high anemometer mast for a period of 30 months on land at East Skichen Farm, by Monikie. The application was recommended for approval.

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

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

26. LAND AT THE STABLES, KIRKTON OF GLENISLA, GLENISLA

There was submitted [Report No 1170/07](#) by the Director of Infrastructure Services detailing application No 07/01104/FUL by Mr Gary Webster and Ms H Potter for the retrospective siting of a residential caravan on land at The Stables, Kirkton of Glenisla, Glenisla. The application was recommended for refusal.

Slides were shown.

The Committee agreed:-

- (i) that the application be refused for the reasons detailed in the Report; and
- (ii) the enforcement action be taken to secure the removal of the caravan and the associated structures that had been erected on the site.

27. ENFORCEMENT UPDATE

With reference to Article 31 of the minute of meeting of this Committee of 13 November 2007, there was submitted [Report No 1171/07](#) by the Director of Infrastructure Services which detailed the progress on enforcement cases by the Planning & Transport Service which had been agreed by the Development Standards Committee.

(a) The Steading, Reswallie Mains, by Forfar

The Committee agreed to continue to monitor the site until it was satisfied that appropriate screening/landscaping was in place and that no further "hobby" vehicles were on site.

(b) 5 Lochbank Gardens, Forfar

With reference to Article 23 above, the Committee agreed that, notwithstanding that the planning application had been withdrawn, enforcement action be taken to secure compliance with conditions attached to a previous planning consent to secure proper maintenance of the land.

(c) Former Seaforth Hotel, Arbroath

The Committee noted that the site had now been cleared and a report would be included in the next update.

(d) Other Cases

The Committee agreed to note the position on all other enforcement cases referred to in the Report.

28. PLANNING APPEAL DECISION

With reference to Article 23 of the minute of meeting of this Committee of 22 February 2007, there was submitted [Report No 1183/07](#) by the Director of Infrastructure Services which detailed the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the refusal of Angus Council to grant consent for the erection of four dwellinghouses with associated road and drainage facilities at Panmure Filter Beds, Panmure, Carnoustie.

The Committee noted that the appeal had been dismissed.

29. ANGUS LOCAL PLAN SUPPLEMENTARY PLANNING GUIDANCE: DRAFT GUIDELINES FOR FARM STEADING CONVERSIONS

With reference to Article 21 of the minute of meeting of the Infrastructure Services Committee of 27 November 2007, there was submitted [Report No 1122/07](#) by the Director of Infrastructure Services which set out draft supplementary planning guidance that, when finalised, would assist in considering development proposals for farm steading conversions.

The Report indicated that while the adopted Angus Local Plan policy on farm building conversion had been in place for some years the preparation of supplementary guidance would assist in clarifying aspects of policy interpretation when dealing with development proposals.

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

30. SHARED USE ROADS AND SERVICE STRIPS

With reference to Article 26 of the minute of meeting of the Infrastructure Services Committee of 22 November 2007, there was submitted [Report No 1126/07](#) by the Director of Infrastructure Services which considered the use of shared use roads with service strips and recommended acceptable formats.

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

31. 2007/2011 FINANCIAL PLAN AND 2008/09 CAPITAL BUDGET

With reference to Article 36 of the minute of meeting of the Infrastructure Services Committee of 27 November 2007, there was submitted [Report No 1136/07](#) by the Director of Corporate Services which advised the Committee of the latest position with regard to the preparation of the 2007/2011 Financial Plan (incorporating the 2008/09 Capital Budget) for the Infrastructure Services Department.

The Committee, for its interest, agreed to note the contents of the Report and that more detailed reports with specific recommendations would be brought forward later in the financial plan cycle.

32. 2008/09 REVENUE BUDGET

With reference to Article 37 of the minute of meeting of the Infrastructure Services Committee of 27 November 2007, there was submitted [Report No 1137/07](#) by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Infrastructure Services (Roads, Environmental & Consumer Protection, Planning & Transport and Economic Development) 2008/09 Revenue Budget and associated issues.

Appended to the Report were summaries of the department provisional base budget for 2008/09 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee, for its interest agreed:-

- (i) to note the contents of the Report at this stage in the budget process; and
- (ii) to note that more detailed reports, with specific recommendations, would be brought forward later in the revenue budget cycle.