

## ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 13 November 2007 at 10.00 am.

**Present:** Councillors DAVID LUMGAIR, JOHN RYMER, ALISON ANDREWS, COLIN BROWN, IAIN GAUL, ALEX KING, PROVOST RUTH LESLIE MELVILLE MBE, HELEN OSWALD, RALPH PALMER, MARK SALMOND, ROBERT SPINK and PAUL VALENTINE.

Councillor LUMGAIR, Convener, in the Chair.

### 1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Frank Ellis.

### 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 Gaul declared an interest in item 5, (Delegated Approvals) page 7 as his company had worked for the applicant in the past. In connection with item 29, application No 05/01074/FUL, he had called a meeting between the applicant and planning officers and advised that he would not be taking part in the item. Also, in respect of item 19, application No 07/00966/FUL, he had received a phone call from the applicants but had advised them to contact planning officers. He advised that he would be taking part in that item.
- Councillor Andrews declared an interest in item 12, application No 07/01243/FUL (withdrawn), as she was a shareholder. With regard to item 29, application No 05/01074/FUL, she had received a telephone call from the applicant. She advised that she would be taking part in the discussion.
- Councillor Valentine declared an interest in item 12, application No 07/01243/FUL (withdrawn), as his wife worked for the company.
- Councillor Leslie Melville declared an interest in item 31, 18 Caldhome Gardens, Brechin, as she was a relative of the party involved. She advised that she would not be taking part in the item. In respect of item 33, The Logan, Liff, she advised that she knew the applicant, but would be taking part in the discussion.
- Councillor Oswald declared an interest in item 6, application No 07/01206/FUL, as she knew the objector and advised that she would not be taking part in the discussion.
- Councillor Rymer declared an interest in item 33, The Logan, Liff, as he knew one of the Directors when he was with a different farm. He advised that he would be taking part in the discussion.

### 3. MINUTES OF PREVIOUS MEETINGS

The [minutes of meetings of this Committee of 25 September](#) and [23 October 2007](#) were submitted, approved as correct records and signed by the Convener.

### 4. BUILDING WARRANTS

The Committee noted that, in the period 15 October - 2 November 2007, a total of 10 Amendments to Warrants and 63 Building Warrants had been approved with an estimated cost of £6,177,133.

## PLANNING APPLICATIONS

### 5. DELEGATED APPROVALS

There was submitted [Report No 1047/07](#) 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 62 applications detailed in the Appendix to the Report granted under delegated powers during the period 16 October-6 November 2007.

*Councillor Oswald, having declared an interest at item 2 above, left the meeting during consideration of the following item.*

### 6. 19<sup>th</sup> HOLE, 8 FERRIER STREET, CARNOUSTIE

There was submitted [Report No 1049/07](#) by the Director of Infrastructure Services detailing application No 07/01206/FUL by Belhaven Pubs Limited for the formation of a timber deck and smokers' shelter at the 19<sup>th</sup> Hole, 8 Ferrier Street, Carnoustie. The application was recommended for refusal.

Slides were shown and Mr Burns, an objector, addressed the meeting and circulated photographs.

The Committee agreed that the application be refused and that enforcement action be taken to secure removal of the smokers' shelter and alterations to the timber deck.

### 7. GARDEN GROUND AT 28 WEST PATH, CARNOUSTIE

There was submitted [Report No 1050/07](#) by the Director of Infrastructure Services detailing application No 07/00194/OUT by Mr D Ireland for the erection of two dwellinghouses in the garden ground of 28 West Path, Carnoustie. The application was recommended for refusal.

Slides were shown and Mr Ireland, the applicant, addressed the meeting.

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

### 8. 25 LOMOND DRIVE, CARNOUSTIE

There was submitted [Report No 1051/07](#) by the Director of Infrastructure Services detailing application No 07/01120/FUL by Mr and Mrs Low for an extension to a dwellinghouse at 25 Lomond Drive, Carnoustie. The application was recommended for approval.

Slides were shown.

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

### 9. 4 OLD DOWNIE FARM COTTAGES, CARNOUSTIE

There was submitted [Report No 1052/07](#) by the Director of Infrastructure Services detailing application No 06/00713/FUL by Mr and Mrs Gibson for the demolition of two dwellinghouses and the erection of a new dwellinghouse and change of use from agricultural ground to garden ground at 4 Old Downie Farm Cottages, Carnoustie. The application was recommended for refusal.

Slides were shown and Miss Fox, the applicant's agent, addressed the meeting.

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

**10. 8 EASTERBANK, FORFAR**

There was submitted [Report No 1053/07](#) by the Director of Infrastructure Services detailing application No 07/01264/FUL by Mr and Mrs J Valentine for the erection of a garage at 8 Easterbank, 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.

**11. 5 SUTTIESIDE ROAD, FORFAR**

There was submitted [Report No 1054/07](#) by the Director of Infrastructure Services detailing application No 07/01012/FUL by Don Stewart Developments Limited for the conversion of a dwellinghouse into four flats at 5 Suttieside Road, Forfar. The application was recommended for approval.

Slides were shown.

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

**12. TESCO STORES, CASTLE STREET, FORFAR**

There was submitted [Report No 1055/07](#) by the Director of Infrastructure Services detailing application No 07/01243/FUL by Tesco Stores Ltd for the erection of a micro wind turbine for a period of 15 years on land at Tesco Store, Castle Street, Forfar.

The Committee noted that the applicant had withdrawn the application.

**13. 36 NEW WYND, MONTROSE**

There was submitted [Report No 1056/07](#) by the Director of Infrastructure Services detailing application No 07/01359/FUL by Ms Fiona Smith for the change of use from retail premises to a pet grooming parlour and external repainting works at 36 New Wynd, Montrose. The application was recommended for approval.

Slides were shown and Ms Smith, the applicant, addressed the meeting.

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

3. That no animals shall be kept on the premises between the hours of 7 pm and 7 am.

**14. LAND AT MILLGATE, FRIOCKHEIM**

There was submitted [Report No 1048/07](#) by the Director of Infrastructure Services detailing application No 07/00336/FUL by Keir Homes Ltd for the erection of a dwellinghouse on land at Millgate, Friockheim. The application was recommended for approval.

Slides were shown.

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

7. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1989, the permitted development rights provided by Classes 1, 3 and 7 are hereby removed unless otherwise agreed in writing with the planning authority.

Reason

In the interests of the character and amenity of the area.

**15. 3 APPLEHILL GARDENS, WELLBANK**

There was submitted [Report No 1057/07](#) by the Director of Infrastructure Services detailing application No 07/01207/FUL by Mrs Vikki Miller & Mr Stephen Hughes for the extension to a dwellinghouse and erection of a double garage at 3 Applehill Gardens, Wellbank. The application was recommended for approval.

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

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR RYMER, MOVED THAT THE APPLICATION BE APPROVED AS DETAILED IN THE REPORT.

Councillor Oswald, seconded by Councillor Palmer, moved as an amendment that the application be refused as the scale and height of the extension would have a detrimental impact on the neighbouring property.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer, Andrews, Brown, King, Leslie Melville and Salmond (7).

For the amendment:-

Councillors Gaul, Oswald, Palmer, Spink and Valentine (5).

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

**16. LAND OPPOSITE VIEWMOUNT, KINNEL, FRIOCKHEIM**

There was submitted [Report No 1058/07](#) by the Director of Infrastructure Services detailing application No 07/01381/OUT by Mr & Mrs A Greig for the erection of a dwellinghouse on land opposite Viewmount, Kinnell, Friockheim. The application was recommended for refusal.

Slides were shown.

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

**17. PIPERTON, MENMUIR, BRECHIN**

There was submitted [Report No 1059/07](#) by the Director of Infrastructure Services detailing application No 07/00272/FUL by Argyle Developments (Scotland) Ltd for the change of house type at Piperton, Menmuir, Brechin.

The Committee noted that the applicant had withdrawn the application.

**18. LAND TO THE WEST OF GOLF VIEW, TRINITY, BRECHIN**

There was submitted [Report No 1060/07](#) by the Director of Infrastructure Services detailing application No 07/00884/FUL by Bill Stephen Motors for the change of use of land to vehicle storage on land to the west of Golf View, Trinity, Brechin. The application was recommended for approval.

Slides were shown.

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

**19. ROSEDENE, THE ROW, DOUGLASTOWN**

There was submitted [Report No 1063/07](#) by the Director of Infrastructure Services detailing application No 07/00966/FUL by Mr Watt and Ms Bradford for the change of use from garage to dog grooming parlour at Rosedene, The Row, Douglastown, Forfar. The application was recommend for refusal.

Slides were shown and Ms Bradford, the applicant, addressed the meeting and circulated photographs.

The Committee unanimously agreed that the application be approved, subject to conditions to be approved by the Committee in due course, as the proposed development would not lead to an adverse impact on traffic safety.

**20. LAND AT OLD BALKELLO, AUCHTERHOUSE**

There was submitted [Report No 1064/07](#) by the Director of Infrastructure Services detailing application No 07/01004/OUT by Mr & Mrs Gaffney for the erection of two dwellinghouses on land at Old Balkello, Auchterhouse. The application was recommended for refusal.

Slides were shown.

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

**21. 7 OSPREY AVENUE, PIPERDAM**

There was submitted [Report No 1065/07](#) by the Director of Infrastructure Services detailing application No 07/01219/FUL by Mr M Connelly for the alterations and extension to a dwellinghouse at 7 Osprey Avenue, Piperdam. The application was recommended for refusal.

Slides were shown and Mr Connelly, the applicant, addressed the meeting.

The Committee unanimously agreed that the application be approved, subject to conditions to be approved by the Committee in due course, as the proposed extension would not adversely affect residential amenity.

**22. SHAPINSAY, HOSIEPARK, NORTH DRONLEY ROAD, AUCHTERHOUSE**

There was submitted [Report No 1066/07](#) by the Director of Infrastructure Services detailing application No 07/01079/FUL by Mr & Mrs R Taylor for an extension to an existing dwellinghouse at Shapinsay, Hosiepark, North Dronley Road, Auchterhouse. The application was recommended for approval.

Slides were shown.

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

**23. LAND AT PITMUDIE CENTRAL, KINGOLDRUM, KIRRIEMUIR**

There was submitted [Report No 1067/07](#) by the Director of Infrastructure Services detailing application No 07/01332/OUT by Miss Suzie Clark for the erection of a dwellinghouse on land at Pitmudie Central, Kingoldrum, Kirriemuir. The application was recommended for refusal.

Slides were shown and Miss Clark, the applicant, addressed the meeting and photographs were viewed.

The Committee unanimously agreed that the application be approved, subject to conditions to be approved by the Committee in due course, as the proposal would result in a rounding off of the site and was therefore compatible with Policy H8 of the Angus Local Plan.

*At this point, the Committee agreed, in accordance with Standing Order 20(8), that the meeting proceed beyond the three hour limit to the conclusion of the following item.*

**24. GARDEN GROUND AT TRAFALGAR, AUCHMITHIE, ARBROATH**

There was submitted [Report No 1068/07](#) by the Director of Infrastructure Services detailing application No 07/01119/OUT by H Gordon and P Boyd for the erection of a dwellinghouse on garden ground, Trafalgar, Auchmithie. The application was recommended for approval.

Slides were shown and Mrs Breeze and Mrs Stronach, objectors, addressed the meeting.

Councillor Lumgair, seconded by Councillor Rymer, moved that the application be approved, as detailed in the Report.

COUNCILLOR SPINK, SECONDED BY COUNCILLOR KING, MOVED AS AN AMENDMENT THAT THE APPLICATION BE REFUSED AS IT WAS CONTRARY TO POLICY H5 OF THE ADOPTED ANGUS LOCAL PLAN AND WOULD HAVE A DETRIMENTAL IMPACT ON NEIGHBOURING PROPERTIES.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer and Brown (3).

For the amendment:-

Councillors Andrews, Gaul, King, Leslie Melville, Oswald, Palmer, Salmond, Spink and Valentine (9).

The amendment was declared carried resulting in the application being refused as detailed above and that possible enforcement action be investigated into the clearance of the site.

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

**25. 15/17 QUEEN STREET, FORFAR**

There was submitted [Report No 1070/07](#) by the Director of Infrastructure Services detailing application No 07/01114/OUT by Bellrock Developments for the demolition of a garage and store and the erection of a residential development at 15/17 Queen Street, Forfar. The application was recommended for approval subject to a Section 75 Agreement.

Slides were shown.

The Committee agreed that the application be approved as detailed in the Report, subject to a Section 75 Agreement.

**26. SUPERFINE MANUFACTURING LIMITED, ORCHARD LOAN, FORFAR**

There was submitted [Report No 1071/07](#) by the Director of Infrastructure Services detailing application No 07/01356/FUL by Superfine Manufacturing Limited for the erection of an industrial building at Orchard Loan, Forfar. The application was recommended for approval.

Slides were shown and Miss Fox, the applicant's agent, addressed the meeting.

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

3. That the hours of operation of the building hereby approved be restricted to between the hours of 0700 and 1900 on Monday to Saturday inclusive unless otherwise approved in writing by the Planning Authority.

**27. MONTROSE BASIN, BASIN VIEW, MONTROSE**

There was submitted [Report No 1072/07](#) by the Director of Infrastructure Services detailing application No 07/01278/FUL by Angus Council for pollution prevention works at the former Tayock Landfill Site, by Brechin Road, Montrose. The application was recommended for approval.

Slides were shown.

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

**28. LAND AT EASSIE FARM, EASSIE**

With reference to Article 36 of the minute of meeting of this Committee of 28 October 2007, there was submitted [Report No 1073/07](#) by the Director of Infrastructure Services detailing conditions to be attached to planning application No 07/01215/FUL by Webster Properties for the erection of five dwellinghouses on land at Eassie Farm, Eassie.

The Committee agreed to approve the conditions as detailed in the Report.

*Councillor Gaul, having declared an interest at item 2 above, left the meeting during consideration of the following item.*

**29. DRUMSHADE AIRFIELD, ROUNDYHILL, FORFAR**

There was submitted [Report No 1074/07](#) by the Director of Infrastructure Services detailing application No 05/01074/FUL by Angus Gliding Club Limited for the change of use of land to form a gliding site at Drumshade Farm, Roundyhill. The application was recommended for approval.

Slides were shown and Mr Mitchell and Mrs Mitchell, objectors, and Mr Gibson, the applicant's representative, addressed the meeting.

Councillor Lumgair, seconded by Councillor Rymer, moved that the application be approved as detailed in the Report.

COUNCILLOR OSWALD, SECONDED BY COUNCILLOR PALMER, MOVED AS AN AMENDMENT THAT THE APPLICATION BE DEFERRED TO ALLOW A SITE VISIT TO BE CARRIED OUT.

On a vote being taken, the members voted:-

For the motion:-

Councillors Lumgair, Rymer and Brown (3).

For the amendment:-

Councillors Andrews, King, Leslie Melville, Oswald, Palmer, Salmond, Spink and Valentine (8).

The amendment was declared carried resulting in the application being deferred to allow a site visit to take place on a day that gliders were scheduled to fly.

**30. LAND AT PITEMPTON FARM, STRATHMARTINE**

There was submitted [Report No 1076/07](#) by the Director of Infrastructure Services detailing application No 07/01395/FUL by Linlathen Developments Limited and James Fyffe for the refurbishment of the existing steading and cottage and the erection of four additional dwellings on land at Pitempton Farm, Strathmartine. The application was recommended for refusal.

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

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

*Councillor Leslie Melville, having declared an interest at item 2 above, left the meeting during consideration of the following item.*

### **31. ENFORCEMENT UPDATE**

There was submitted [Report No 1078/07](#) by the Director of Infrastructure Services updating members on the progress of enforcement action previously agreed by the Committee.

#### **(a) 18 Caldham Gardens, Brechin**

*The Convener in terms of Standing Order 20(6), adjourned the meeting at this point, for five minutes, to allow for some discussion with the Head of Planning and Transport and the Head of Law and Administration.*

On resuming, the Committee agreed:-

- (i) to serve a Breach of Condition Notice; and
- (ii) should the Notice fail to result in the turning head being achieved, enforcement action be pursued.

#### **(b) Seaforth Hotel, Arbroath**

The Committee were advised that notification had recently been received that the Enforcement Appeal had been dismissed. The Committee agreed that the appropriate officers proceed as soon as possible to remove the rubble on site.

#### **(c) Other Cases**

To note the position with regard to all other enforcement cases as detailed in the Report.

### **32. PLANNING ENFORCEMENT AND DEVELOPMENT MONITORING**

With reference to Article 24 of the minute of meeting of this Committee of 9 November 2006, there was submitted [Report No 1079/07](#) by the Director of Infrastructure Services which detailed the work and workload of the Planning Enforcement and Development Monitoring Section of the Planning and Transport Division.

The Report indicated that the main function of planning enforcement was to respond to complaints from the general public as well as Development Control staff and other bodies in relation to potential breaches of planning. In the period 1 April to 30 September 2007, a total of 162 complaints were made to the Section, of which 115 had been resolved successfully and 47 were still being investigated; 31 complaints were received via Angus Council's ACCESS Line and 10 complaints were received via Councillors. In this same period, a total of seven Planning Contravention Notices had been served. No Enforcement, Amenity or Stop Notices were required to be served in this period.

The Report concluded that enforcement and monitoring played an important role within Development Control. In view of the potential workload, a selective approach had been adopted based upon the significance of the development. Enforcement workload in numerical terms was consistent with previous years, however, the Development Control workload had increased very much which had resulted in the Enforcement Officers being required to play a greater role in support of the general Development Control workload than was previously the case. In particular, the monitoring of planning consents was less extensive than would otherwise be the case.

The Committee agreed to note the contents of the Report and that the issue of the time taken to progress enforcement be addressed by the Director of Infrastructure Services and the Convener as part of the 2008/09 budget process with a view to consideration being given to additional enforcement staff being employed.



**33. ENFORCEMENT ACTION - WESTWATER HOMES AT HENDERSON PARK AND THE LOGAN, LIFF, DUNDEE**

There was submitted [Report No 1080/07](#) by the Director of Infrastructure Services detailing the circumstances relative to a recommendation to take enforcement in respect of the failure by Westwater Homes to comply with condition No 6 of application reference 04/00260/FUL, i.e. to upgrade The Logan before the seventh house at Henderson Park was occupied.

Slides were shown and Mr Bloodworth and Mr Clark, complainers and Mr Elphistone, the developer, addressed the meeting.

The Committee agreed to initiate enforcement action in respect of the breach of all planning conditions.