

ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 23 October 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, MARK SALMOND, ROBERT SPINK and PAUL VALENTINE.

Councillor LUMGAIR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Frank Ellis and Ralph Palmer.

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 King intimated that in relation to item 3, Building Warrants, Nos 07/00975 and 07/010107, he had worked with the applicants for many years.
- Councillors Leslie Melville, Rymer and Valentine declared an interest in item 28, application No 07/00546/FUL. Councillor Leslie Melville advised that she knew the applicant but would be taking part in the discussion. Councillor Rymer advised that he knew the applicant and would not be participating in the discussion. Councillor Valentine advised that he knew the farm manager and would not be taking part in the discussion.
- Councillor Spink declared an interest in item 29, application No 06/01136/FUL as he was a member of the Esk District Salmon Fishery Board and also a patron of Angus Angling Club. He advised that he would not be taking part in the discussion.
- Councillor Gaul declared an interest in item 32, application No 07/00509/FUL, as his company had carried out work for the applicant. He advised that he would not be taking part in the discussion.
- Councillor Leslie Melville declared an interest in items 37 and 38, 18 Caldhome Gardens, Brechin, as she was a relative of one of the parties involved in the case. She advised that she would not be taking part in the discussion.

3. BUILDING WARRANTS

The Committee noted that, in the period 17 September-12 October 2007, a total of 3 Demolition Warrants, 17 Amendments to Warrants, 52 Staged Warrants and 102 Building Warrants had been approved with an estimated cost of £11,863,550.

PLANNING APPLICATIONS

4. DELEGATED APPROVALS

There was submitted [Report No 964/07](#) 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 95 applications detailed in the Appendix to the Report granted under delegated powers during the period 18 September-16 October 2007.

5. GARDEN GROUND AT 20B PEARSE STREET, BRECHIN

There was submitted [Report No 966/07](#) by the Director of Infrastructure Services detailing application No 06/00716/OUT by Mr and Mrs J Mudie for the erection of a dwellinghouse at 20B Pearse Street, Brechin.

The Committee noted that the applicants had withdrawn the application.

6. 25 KINGHORN PLACE, BRECHIN

There was submitted [Report No 968/07](#) by the Director of Infrastructure Services detailing application No 07/01316/FUL by Miss C McLean for alterations and extension to a dwellinghouse at 25 Kinghorn Place, Brechin. 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 amended and additional conditions:-

Amended Condition

4. That no windows or other openings other than those shown on the stamped approved plans shall be formed in the southeast elevation of the extension without the written approval of the Planning Authority.

Additional Condition

5. That prior to the commencement of development the existing garage shall be demolished and removed and the land restored to useable garden ground to the written satisfaction of the Planning Authority

Reason: In order to ensure the provision of adequate private amenity space.

7. 10 RAVENSBY PARK GARDENS, CARNOUSTIE

There was submitted [Report No 969/07](#) by the Director of Infrastructure Services detailing application No 07/01127/FUL by Mr and Mrs I McGregor for the extension to a dwellinghouse at 10 Ravensby Park Gardens, Carnoustie. The application was recommended for approval.

Slides were shown and Mr Lowrie, the applicant's representative, addressed the meeting.

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

8. BRAEHILL LODGE, 2 BALMACHIE ROAD, CARNOUSTIE

With reference to Article 10 of the minute of meeting of this Committee of 4 September 2007, there was submitted [Report No 985/07](#) by the Director of Infrastructure Services which detailed additional information in respect of parking for application No 07/0062/FUL for alterations and an extension to the Nursing Home at Braehill Lodge, 2 Balmachie Road, Carnoustie by Mr and Mrs Rowe.

The Committee agreed to defer consideration of the application until 2.00 pm to give planning officers the opportunity to obtain the relevant slides/plans.

9. 5 WESTHILL ROAD, KIRRIEMUIR

There was submitted [Report No 970/07](#) by the Director of Infrastructure Services detailing application No 07/01300/FUL by Mr and Mrs Kettles for the alterations and extension to a dwellinghouse at 5 Westhill Road, Kirriemuir. 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 amended condition:-

3. That notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 and any subsequent amendments, no windows or other openings shall be formed at first floor level without the written approval of the Planning Authority.

10. SITE AT DOWNFIELD, MAIN ROAD, WESTMUIR, KIRRIEMUIR

There was submitted [Report No 971/07](#) by the Director of Infrastructure Services detailing application No 07/01089/REM by Mr and Mrs L Bertram for the erection of a dwellinghouse and double garage on a site at Downfield, Main Road, Westmuir, Kirriemuir.

Slides were shown.

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

1. That the development to which this permission relates must be begun not later than:-
 - (a) the expiration of five years from the date of the grant of outline planning permission; or
 - (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved, whichever is the later.

11. 18 HILL STREET, MONTROSE

There was submitted [Report No 974/07](#) by the Director of Infrastructure Services detailing application No 07/01069/FUL by Mr Neil McLeod for the renewal of permission for a garage repair workshop at 18 Hill Street, Montrose. The application was recommended for approval.

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

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

12. STONEYBRAE, 5A KELLAS ROAD, WELLBANK

There was submitted [Report No 975/07](#) by the Director of Infrastructure Services detailing application No 07/00987/FUL by Mr and Mrs R Madden for the erection of a conservatory at Stoneybrae, 5A Kellas Road, Wellbank. The application was recommended for approval.

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

13. LAND AT WEST MAINS OF DUNNICHEN STEADING, DUNNICHEN

There was submitted [Report No 976/07](#) by the Director of Infrastructure Services detailing application No 07/00822/OUT by the firm of Dunnichen Farms for the erection of a dwellinghouse at Plot 1, West Mains of Dunnichen, Forfar. The application was recommended for refusal.

Slides were shown and Mr Wilson, the applicant's agent, addressed the meeting and circulated plans.

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

14. GROUND AT MAINS OF HEDDERWICK, PUGESTON, MONTROSE

There was [submitted Report No 977/07](#) by the Director of Infrastructure Services detailing application No 07/01216/OUT by D Skene for the erection of a dwellinghouse at Mains of Hedderwick, Pugeston, Montrose. 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 amended and additional conditions:-

Amended Condition

7. That prior to the commencement of development inter-visible passing places shall be provided between the site and the public road, at intervals not exceeding 150 metres and at positions approved in writing by the Planning Authority.

Additional Condition

13. That the number of houses within the application site shall be limited to one only and the site shall not be subdivided thereafter.

Reason: In order to prevent the creation of a further house plot and to limit the development to a single house in accordance with development plan policy

15. PITMUIES MILL FARM COTTAGE, BY BRECHIN

There was submitted [Report No 979/07](#) by the Director of Infrastructure Services detailing application No 07/01094/FUL by Mr C Morrison for an extension to an existing dwellinghouse at Pitmuies Mill Farm Cottage, by Friockheim. The application was recommended for approval.

Slides were shown.

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

16. LAND AT NEWBIGGING ROAD, TEALING

There was submitted [Report No 980/07](#) by the Director of Infrastructure Services detailing application No 07/01234/OUT by George Martin Builders Limited for the erection of two dwellinghouses on land at Newbigging Road, Tealing. The application was recommended for approval.

Slides were shown.

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

17. LAND ADJACENT TO WESTFIELD HOUSE, DRUMSTURDY ROAD, KINGENNIE

There was submitted [Report No 981/07](#) by the Director of Infrastructure Services detailing application No 07/01117/FUL by Mr and Mrs Brown for the erection of a dwellinghouse on land adjacent to Westfield House, Kingennie.

The Committee noted that the applicants had withdrawn the application.

18. LAND AT OLD BALKELLO, AUCHTERHOUSE

There was submitted [Report No 982/07](#) by the Director of Infrastructure Services detailing application No 07/01004/OUT by Mr and Mrs Gaffney for the erection of two dwellinghouses on land at Old Balkello, Auchterhouse.

The Committee noted that the application had been deferred to allow for further consultation on the application.

19. LAND AT FREELANDS FARM STEADING, KINNEL, FRIOCKHEIM

There was submitted [Report No 983/07](#) by the Director of Infrastructure Services detailing application No 07/00754/FUL by Mr Alan Arnot for the conversion of a farm steading to form four dwellinghouses at Freelands Farm Steading, Kinnell, Friockheim.

The Committee noted that the applicant had withdrawn the application.

20. SITE AT COTTON OF GUTHRIE, GUTHRIE, FRIOCKHEIM

There was submitted [Report No 984/07](#) by the Director of Infrastructure Services detailing application No 07/01014/OUT by Anderson McIntyre LLP for the erection of a dwellinghouse at a site at Cotton of Guthrie, Guthrie, Friockheim. The application was recommended for refusal.

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

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

21. SOUTRA STEADING, GLEN OGIL, BY FORFAR

There was submitted [Report No 965/07](#) by the Director of Infrastructure Services detailing application No 07/00758/OUT by Whitewater Potatoes Limited for the erection of two dwellinghouses at Soutra Steading, Glen Ogil, by Forfar.

The Committee noted that the applicant had withdrawn the application.

22. LEIGHTNIE, GLEN LETHNOT, EDZELL

There was submitted [Report No 986/07](#) by the Director of Infrastructure Services detailing application No 07/01283/FUL by Mr D McIntosh for the erection of a garage at Leightnie, Glen Lethnot, Edzell. The application was recommended for approval.

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

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

23. COONAWARRA, 2 MILTON OF CONON COTTAGES, CARMYLLIE

There was submitted [Report No 987/07](#) by the Director of Infrastructure Services detailing application No 07/00885/FUL by Mr and Mrs White for the alterations to a dwellinghouse at 2 Milton of Conon Cottages, Carmyllie.

The Committee noted that the applicants had withdrawn the application.

24. DRUMMYGAR FARM, CARMYLLIE, ARBROATH

There was submitted [Report No 988/07](#) by the Director of Infrastructure Services detailing application No 06/01818/FUL by Redcastle Farms Limited for the change of house type at Drummygar Farm, Carmyllie. The application was recommended for approval.

Slides were shown.

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

25. LAND ADJACENT TO WESTER KEITH, LUNDIE

There was submitted [Report No 973/07](#) by the Director of Infrastructure Services detailing application No 07/00575/OUT by Newtyle Property Company for the erection of a dwellinghouse on land adjacent to Wester Keith, Lundie.

The Committee noted that the applicant had withdrawn the application.

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

26. BRAEHILL LODGE, 2 BALMACHIE ROAD, CARNOUSTIE

With reference to Article 8 above, there was submitted [Report No 985/07](#) by the Director of Infrastructure Services detailing additional information in respect of the parking for planning application No 07/0062/FUL for alterations and an extension to the nursing home at Braehill Lodge, 2 Balmachie Road, Carnoustie. Plans were circulated to members showing the car parking details.

The Committee agreed that the application be approved as detailed in [Report No 833/07](#).

27. ST JAMES HOUSE, ST JAMES ROAD/NEW ROAD, FORFAR

There was submitted [Report No 991/07](#) by the Director of Infrastructure Services detailing application No 07/00938/FUL by Deanway Developments Limited for the erection of 4,795 square metres of Class 1 non food retail, residential (43 units), car parking, access and road improvements, landscaping and town centre pedestrian link at St James House and St James Works, St James Road/New Road, Forfar. The application was recommended for approval.

Slides were shown and Mr Jarvis, an objector, and Mr Mappin, the applicant's agent, addressed the meeting.

COUNCILLOR LUMGAIR, SECONDED BY COUNCILLOR BROWN, MOVED THAT THE APPLICATION BE REFUSED AS, IF APPROVED, IT WOULD HAVE AN ADVERSE IMPACT ON THE VITALITY AND VIABILITY OF FORFAR TOWN CENTRE AND WAS THEREFORE CONTRARY TO POLICIES TCR1, 5 AND 8 OF THE ADOPTED ANGUS LOCAL PLAN.

Councillor Gaul, seconded by Councillor King, moved as an amendment, that the application be approved as detailed in the Report.

On a vote being taken, the members voted:-

For the motion:

Councillors Lumgair, Rymer, Brown, Leslie Melville, Salmond, Spink and Valentine (7).

For the amendment:

Councillor Andrews, Gaul, King and Oswald (4).

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

Councillor Rymer and Valentine, having declared an interest at item 2 above left the meeting during consideration of the following item.

28. HUNTLYHILL FARM STEADING, KEITHOCK, BRECHIN

With reference to Article 12 of the minute of meeting of this Committee of 25 September 2007, there was submitted [Report No 967/07](#) by the Director of Infrastructure Services detailing application No 07/00546/FUL by Stracathro and Careston Estates Limited for the conversion of the west wing and rebuild of east wing of farm steading to form five dwellinghouses at Huntlyhill Farm Steading, Keithock, Brechin. The application was recommended for approval.

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

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

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

29. LAND AT HATTON MILL QUARRY, FRIOCKHEIM

With reference to Article 30 of the minute of meeting of this Committee of 14 August 2007, there was submitted [Report No 1000/07](#) by the Director of Infrastructure Services detailing application No 06/01136/FUL by D Geddes (Contractors) Limited for an extension to Quarry Excavation Area at Hatton Mill Quarry, Kinnell, Friockheim, and the additional consultations which had been carried out.

The Committee agreed that the application be approved as detailed in Report No 723/07 and the following additional condition:-

27. That any works required within the River Lunan for upgrading of the bridge of provide access to the extension area shall be fully undertaken in accordance with the details within the Hatton Mill phase 2 Planning Application and Environmental Statement and all works shall be undertaken outwith the months of September to April.

Reason: In order to safeguard the habitat of the River Lunan.

30. INVERBROTHOCK PRIMARY SCHOOL, EAST KIRKTON ROAD, ARBROATH

There was submitted [Report No 989/07](#) by the Director of Infrastructure Services detailing application No 07/01254/FUL by Angus Council for the alteration and extension at Inverbrothock Primary School, Arbroath. The application was recommended for approval.

Slides were shown.

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

31. 3 & 4 KIRKSTYLE, ST VIGEANS, ARBROATH

With reference to Article 5 of the minute of meeting of this Committee of 14 August 2007, there was submitted [Report No 990/07](#) by the Director of Infrastructure Services detailing application Nos 07/01240/FUL and 07/01241/LBC by the Director of Properties in Care (Historic Scotland) for the alterations to an existing museum at 3 and 4 Kirkstyle, St Vigeans, Arbroath. The applications were recommended for approval.

Slides were shown.

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

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

32. LOCHHEAD LANDFILL SITE, GOWANBANK, FORFAR

There was submitted [Report No 992/07](#) by the Director of Infrastructure Services detailing application No 07/00509/FUL by Laird Brothers (Forfar) Limited for the erection of a building and plant for the manufacture of concrete products on land at Lochhead Sand and Gravel Quarry, Gowanbank, Forfar. The application was recommended for approval, subject to a Section 75 Agreement.

Slides were shown and Mr Watt and Ms Stewart, objectors, and Ms Fox, the applicant's agent, addressed the meeting.

The Committee agreed that the application be approved as detailed in the Report but without a Section 75 Agreement.

33. 9 LOCHSIDE ROAD, FORFAR

There was submitted [Report No 993/07](#) by the Director of Infrastructure Services detailing application No 07/01013/FUL by Project Management Scotland Ltd for the demolition of a former slaughterhouse and the erection of 24 flats at 9 Lochside Road, 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 the following amended terms of the Section 75 Agreement:-

1. That an onsite provision of 15% of the maximum number of units approved onsite (provision of four serviced affordable housing plots) be provided in accordance with Housing Policy SC6 of the Finalised Angus Local Plan Review in relation to the Forfar/Kirriemuir Housing Market Area.
2. That a contribution of £500 per dwellinghouse towards improvement of public open space within Forfar shall be made by the developer.

34. SEAVIEW PRIMARY SCHOOL, MONIFIETH

There was submitted [Report No 994/07](#) by the Director of Infrastructure Services detailing application No 07/00620/FUL by Angus Council for the erection of a new primary school and associated external works on the site of the Seaview Primary School, Monifieth. The application was recommended for approval.

Slides were shown and Mr Howie and Mr Boath, objectors, addressed the meeting.

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

Additional Condition:

24. That the public right of way through the site shall not be obstructed until such a time as a Diversion Order has been successfully promoted.

Reason: In order to protect the public right of way through the site.

Amended Condition:

5. That the proposed pedestrian access gate on Queen Street, adjacent to the proposed car parking area, shall be provided as a vehicular access, formed and constructed in accordance with the standards of Angus Council unless otherwise agreed in writing with the Planning Authority in conjunction with the Roads Authority.

Reason: To ensure a satisfactory standard of construction.

35. CATH RENNIES, 2 MATTOCKS ROAD, WELLBANK

There was submitted [Report No 996/07](#) by the Director of Infrastructure Services detailing application No 07/00787/FUL by Mr George Kidd Enterprises Limited for the erection of a fourteen bedroom extension to the public house to form a hotel at Cath Rennies, 2 Mattock Road, Wellbank. The application was recommended for approval.

At this point, the Committee agreed, in accordance with Standing Order 20(8), to continue the meeting until the conclusion of the business.

Slides were shown and Mr Gourlay, an objector, and Mr Wilson, 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 conditions:-

3. That prior to the commencement of the development details of the ventilation system for the existing function room shall be submitted for the written approval of the Planning Authority. Thereafter, the approved scheme shall be installed and operational prior to commencement of development.

Reason: In order to safeguard the residential amenity of adjacent occupiers.

8. That the car parking arrangement as detailed on site plan reference PJW/WIA/018B shall be fully implemented prior to use of the hotel extension hereby approved.

Reason: In the interests of road traffic and/or pedestrian safety.

36. LAND AT EASSIE FARM, EASSIE

There was submitted [Report No 997/07](#) by the Director of Infrastructure Services detailing application No 07/01215/FUL by Webster Properties for the erection of five dwellings on land at Eassie Farm, Eassie. The application was recommended for refusal.

Slides were shown and Mr Graham, the applicant's agent, and Mr Pirie the applicant's traffic consultant, addressed the meeting.

The Committee agreed that the application be approved as the proposal would not lead to an adverse impact on traffic safety and was therefore not contrary to Policies ENV5 and H2 of the Angus Local Plan. The Committee agreed that a Report detailing appropriate conditions be submitted for approval in due course.

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

37. ENFORCEMENT UPDATE

There was submitted [Report No 1001/07](#) by the Director of Infrastructure Services which detailed the work and workload of the Enforcement Officers of the Planning and Transport Service over the period 1 October 2004 to 30 September 2007. The Report also provided an update on potential enforcement cases and an update on progress of current enforcement cases currently undertaken by the Planning and Transport Division.

The Committee noted the position.

38. PLANNING APPEAL DECISION - 18 CALDHAME GARDENS, BRECHIN

There was submitted [Report No 998/07](#) by the Director of Infrastructure Services detailing the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the decision of Angus Council to refuse retrospective planning consent for the erection of a dwellinghouse at 18 Caldhame Gardens, Brechin without compliance with Condition 11 (relating to the provision of a turning head) imposed in the grant of planning permission No 05/00478/FUL.

The Report sought the instructions of the Committee as to the compliance with the condition following the outcome of the appeal had been dismissed. It was recommended that enforcement action be not taken.

Slides were shown and Mr Malcolm and Mr Scott, residents of Caldhame Gardens, Ms Fox the landowner's representative and Mr Fraser, the house builder's representative addressed the meeting.

The Committee unanimously agreed to serve an Enforcement Notice and a Breach of Condition Notice to achieve compliance with the terms of planning consent No 05/00478/FUL.

39. MAJOR WINDFARM AND WIND CLUSTER PLANNING APPLICATIONS

With reference to Article 33 of the minute of meeting of this Committee of 22 February 2007 there was submitted [Report No 995/07](#) by the Director of Infrastructure Services which sought approval to no longer class planning applications No 05/01061/FUL: erection of three wind turbines at Dusty Drum, Carmyllie; 07/00041/FUL: erection of three wind turbines at East Skichen, Monikie; and 07/00050/FUL: erection of three wind turbines at Mountboy, Rossie Moor, Montrose as "major applications". The Report also asked the Committee to confirm that these applications would not be considered in conjunction with planning application 05/00110/FUL for the erection of nineteen wind turbines at Montreathmont Moor, Friockheim where this would result in unreasonable delays in the determination of certain of the planning applications.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR KING, MOVED THAT THE APPLICATIONS REMAIN DESIGNATED AS MAJOR APPLICATIONS AS THE CUMULATIVE EFFECT OF ALL THE TURBINE APPLICATIONS REQUIRED TO BE TAKEN INTO CONSIDERATION WHEN DETERMINED.

Councillor Rymer, seconded by Councillor Lumgair, moved as an amendment that the applications be no longer designated as major applications as detailed in the Report.

On a vote being taken, the members voted:-

For the motion:

Councillors Gaul, King, Leslie Melville, Oswald, Salmond and Valentine (6).

For the amendment:

Councillors Lumgair, Rymer, Andrews, Brown and Spink (5).

The motion was declared carried resulting in the applications remaining designated as major applications.