

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Monday 4 March 2024 at 1.00pm.

Present: Councillors GAVIN NICOL, CHRIS BEATTIE, LINDA CLARK and HEATHER DORAN.

Councillor NICOL, Vice Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Bill Duff and Kenny Braes with Councillors Linda Clark and Chris Beattie substituting. An apology for absence was also intimated on behalf of Councillor Brenda Durno.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

Councillor Beattie made a statement of transparency in relation to Items 5 and 6, (Report Nos 82/24 and 83/24), as his employer is referred to by Inchcape in both items although this relates to her Scottish Government work and not the constituency office where he works.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 19 February 2024 was approved as a correct record and signed by the Convener.

4. SITE OF FORMER SEAFORTH HOTEL, DUNDEE ROAD, ARBROATH

There was submitted Report No 81/24 by the Director of Legal, Governance & Change, detailing an application for review in relation to the refusal of planning permission for mixed use development comprising café and drive thru, application No 23/0558/FULL, at Site of Former Seaforth Hotel, Dundee Road, Arbroath.

The Planning Adviser provided an overview of the application for review following which the Committee confirmed that they had sufficient information to consider the review at this meeting and that no further procedure was required.

Having heard from members and the Planning Adviser, at this point (1.36pm) in the meeting, the Committee agreed to adjourn for 10 minutes to allow the opportunity for members to seek legal advice.

The meeting resumed at 1.46pm.

COUNCILLOR NICOL, SECONDED BY COUNCILLOR CLARK, MOVED THAT THE APPLICATION FOR REVIEW BE UPHOLD AND PLANNING PERMISSION GRANTED AS THE PROPOSAL WAS COMPLIANT WITH POLICIES 1, 2, 9 AND 13 OF NPF4 AS THE SITE HAD BEEN DERELICT FOR A NUMBER OF YEARS AND ONLY A SMALL PORTION OF THE SITE WOULD BE USED FOR THE RETAIL DEVELOPMENT THEREBY BOOSTING THE ECONOMY AND EMPLOYMENT, THE PROPOSAL WOULD ALSO BE DIRECTLY ACCESSIBLE AND WOULD PROVIDE LINKS TO THE TOWN CENTRE, MAKING ANGUS A PLACE OPEN FOR BUSINESS.

Councillor Doran, seconded by Councillor Beattie moved, as amendment, that the application for review be dismissed for the reasons as outlined in the Report of Handling and as that the proposal did not comply with Policy 27(d) of NPF4.

On a vote being taken, the members voted:-

For the motion:-

Councillors Nicol and Clark (2).

For the amendment:-

Councillors Doran and Beattie (2).

There being an equality of votes, the Vice-Convenor exercised his casting vote in favour of the motion, resulting in application for review being upheld and planning permission granted, subject to conditions.

At this stage in the meeting, the Committee considered the following suggested conditions by the Service Leader – Planning & Sustainable Growth which would be attached to the grant of planning permission for application No 23/0558/FULL:-

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. Prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the Planning Authority:-

- (a) Facilities for parking at the following rates.

Mode	Parking Provision
Bicycles	2 Spaces per 100sqm of GFA
Motorcycles	1 Space + 1 Space per 20 car spaces
Disabled Bays	3
Cars	25

The provision for cyclists shall be conveniently located for the main public entrance to the development and shall be covered, lit and adequately signed. The approved provision shall be provided, to the satisfaction of the Planning Authority, prior to the development being brought into use.

- (b) Full details of the proposed surface water drainage arrangements, utilising an appropriate sustainable urban drainage scheme shall be submitted for the further written approval of the Planning Authority. Thereafter, the drainage arrangements shall, be installed, to the satisfaction of the Planning Authority, prior to the development being brought into use.

- (c) A scheme of hard and soft landscaping works shall be submitted to the Planning Authority for further written approval. Details of the scheme shall include:

- i. Existing landscape features and vegetation to be retained;
- ii. The location of new trees, shrubs, hedges and grassed areas;
- iii. A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- iv. The location, design and materials of all hard landscaping works including walls, fences and gates;
- v. A programme for the completion and subsequent maintenance of the proposed landscaping.

The provision for cyclists shall be conveniently located for the main public entrance to the development and shall be covered, lit and adequately signed. The approved provision shall be provided, to the satisfaction of the Planning Authority, prior to the development being brought into use.

All landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the

commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, in the opinion of the Planning Authority within a period of five years from the completion of development, is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

- (d) Details of all boundary treatments and enclosures. Thereafter the boundary enclosures shall be providing in accordance with the approved phasing plan and specifically the acoustic barriers shall be formed prior to the occupation or use of any part of the development.
- (e) That no works in connection with the permission hereby approved shall commence unless a detailed scheme for the identification and removal of all contaminated land and material from the site has been submitted to and approved in writing by the Planning Authority. The scheme shall include an intensive investigation of the site together with a risk assessment and shall be carried out by a qualified environmental consultant in accordance with BS 10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice. No works (other than the agreed demolition works) shall commence unless all contaminated land and material has been removed from the site and all remediation work has been carried out in accordance with the agreed scheme.

Reason: To ensure that suitable parking arrangements are provided in a timely manner and in order to encourage multi-modal means of travel, to ensure appropriate surface water drainage proposals are designed and implemented, to ensure the implementation of satisfactory scheme of landscaping and boundary treatments which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure adequate investigation of possible land contamination and to ensure that a remediation strategy is in place for any land contamination identified, in the interest of public health and safety.

- 3. For the avoidance of doubt plans 22226_PL_SP_03, P22-074-HYD-ZZ-XX-DR-C-1000 – P01 and 22226_SP_05 are not approved at this time.

Reason: The listed drawings show indicative layouts, including drainage arrangements, which do not form part of this planning application.

- 4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.

Reason: In order to protect noise sensitive properties.

- 5. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: In order to protect noise sensitive properties.

Having considered the conditions, the Committee agreed that the application for review be upheld and planning permission granted for the reasons and subject to the conditions as detailed above.

5. MERIDIAN STREET, MONTROSE

There was submitted Report No 82/24 by the Director of Legal, Governance & Change, detailing an application for review in relation to the refusal of planning permission for demolition of building and erection of class 5 and 6 general industrial warehouse, application No 21/00177/FULL, at Warehouse, 4 Meridian Street, Montrose.

The Planning Adviser provided an overview of the application for review following which the Committee agreed that an unaccompanied site visit be held in due course and that the Committee reconvene following the site visit to discuss the application for review further.

6. 1-5 AMERICA STREET, MONTROSE

There was submitted Report No 83/24 by the Director of Legal, Governance & Change, detailing an application for review in relation to the refusal of planning permission for redevelopment of site including alternation of the existing building on the site to remove its roof and the southwestern boundary section of the building and to erect a store/offices and 2 storey car parking structure, application No 20/00574/FULL, at 1-5 America Street, Montrose.

The Planning Adviser provided an overview of the application for review following which the Committee agreed that an unaccompanied site visit be held in due course and that the Committee reconvene following the site visit to discuss the application for review further.