

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Wednesday 27 September 2023 at 2.15 pm.

Present: Councillors BILL DUFF, GAVIN NICOL, KENNY BRAES, HEATHER DORAN, BRENDA DURNO and DAVID FAIRWEATHER.

Councillor DUFF, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

Councillor Nicol made a statement of transparency in relation to Item 6 in that the owners of Carlungie Farm were known to him through his role as a Councillor.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 4 September 2023 was approved as a correct record and signed by the Convener.

4. 4 MARKET STREET, BRECHIN

There was submitted Report No 268/23 by the Director of Legal, Governance and Change detailing an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use to form flatted dwelling, application No 23/00199/FULL, at 4 Market Street, Brechin.

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.

The Committee also heard from the Service Manager – Environmental & Consumer Protection.

Councillor Duff, seconded by Councillor Fairweather, moved that the application for review be dismissed for the reasons as detailed in the Report of Handling.

COUNCILLOR NICOL, SECONDED BY COUNCILLOR BRAES, MOVED AS AN AMENDMENT, THAT THE APPLICATION FOR REVIEW BE UPHELD AND PLANNING PERMISSION GRANTED AS THE PROPOSAL WOULD RESULT IN THE REUSE OF A VACANT BUILDING AND WOULD CONTRIBUTE TO LOCAL LIVING AND THEREFORE COMPLIED WITH POLICIES 9 AND 15 OF NPF4, SUBJECT TO CONDITIONS TO BE AGREED BY THE COMMITTEE.

On a vote being taken, the members voted:-

For the motion:-

Councillors Duff and Fairweather (2).

For the amendment:-

Councillors Nicol, Braes, Doran and Durno (4).

The amendment was declared carried and the application for review upheld, subject to conditions to be agreed by the Committee.

At this stage in the meeting, the Committee considered suggested conditions by the Service Leader – Planning & Sustainable Growth which would be attached to the grant of planning permission for application No 23/00199/FULL. Having considered the suggested conditions,

the Committee agreed to request the Service Leader – Planning & Sustainable Growth to consider further conditions that may be attached to the grant of planning permission that would protect the use of the hot food takeaway and that a further Report be brought back to a future meeting of this Committee.

5. BALBEUCHLEY HOUSE, BALBEUCHLEY, KIRTON OF AUCHTERHOUSE

There was submitted Report No 269/23 by the Director of Legal, Governance and Change detailing an application for a review seeking the removal of Conditions 2 and 4 of planning permission ref 22/00787/FULL for the erection of staff accommodation for seasonal workers and associated works at Land 400m North of Balbeuchley House, Balbeuchley, Kirkton of Auchterhouse.

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 all members, the Committee indicated that it was their view that given the nature of the business as a long term interest, the condition restricting use to a period of five years was not required. However, they agreed that the restriction of accommodation from 1 to 31 January remained appropriate and should be maintained.

The Committee therefore partially upheld the review in respect of the removal of Condition 2 and dismissed the request to remove Condition 4.

6. CARLUNGIE FARM, CARLUNGIE, CARNOUSTIE

There was submitted Report No 270/23 by the Director of Legal, Governance and Change detailing an application for a review seeking the removal of Condition 3 of planning permission ref 22/00463/PPPL for the erection of four dwellinghouses at Carlungie Farm, Carlungie, Carnoustie.

The Planning Adviser provided an overview of the application, following which the Committee agreed that further procedure was required by way of written submissions and requested the planning authority be requested to provide further information in respect of the following:-

- (i) an opinion from the Planning Authority (Development Standards) is required which advises if the requested amendments to condition 3 are supported by the Town and Country Planning (Scotland) Act 1997 (as amended), and if applied, if the conditions will continue to comply with the regulations; and
- (ii) a copy of the information required should be submitted to the Director of Legal, Governance & Change within 28 days of the date of the Notice, with a copy to be provided to the applicant as provided for by the Written Procedure Notice.