

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 14 May 2024 at 10.00am.

Present: Councillors DAVID CHEAPE, BRENDA DURNO, CHRIS BEATTIE, KENNY BRAES, LINDA CLARK, HEATHER DORAN, BILL DUFF, CRAIG FOTHERINGHAM, IAIN GALL, IAN McLAREN, LLOYD MELVILLE and TOMMY STEWART.

Councillor CHEAPE, Convener, in the Chair.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillor Gavin Nicol.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

Councillor Melville made a statement of transparency in relation to Item 7, application No 23/00783/PRIORN, in that he had received correspondence in relation to the matter. At no stage had he engaged with correspondents or offered any view in relation to the proposals.

Councillor Fotheringham made statements of transparency in relation to Items 7 and 8, application Nos 23/00783/PRIORN and 24/00048/FULM in that he had received and responded to correspondence in relation to both the items and he had met with residents of Liff regarding the Berryhill proposal prior to becoming a member of this Committee. He had listened to concerns but had not offered any view in relation to the proposals.

Councillor Doran made a statement of transparency in relation to Item 7, application No 23/00783/PRIORN, in that she had received correspondence in relation to the matter however at no stage had she engaged with correspondents or offered any view in relation to the proposals. She had also received a telephone call on a procedural matter relating to the complaints procedure which related to the planning application to be considered at this meeting.

3. BUILDING WARRANTS

The Committee noted that during the period 6 April to 3 May 2024, a total of 68 Building Warrants, 3 Demolition Warrants and 25 Amendment to Warrants had been approved with an estimated cost of £45,917,881.

4. DELEGATED DECISIONS

The Committee noted that during the period 6 April to 3 May 2024, a total of 41 applications had been approved and one refused under the planning Acts through the Scheme of Delegation to Officers.

5. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 16 April 2024 was approved as a correct record and signed by the Convener.

6. APPOINTMENT TO DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

The Committee agreed to appoint Councillor McLaren to the Development Management Review Committee.

7. LAND AT BUS TERMINUS ADJACENT TO FORMER ASHLUDIE HOSPITAL, VICTORIA STREET, MONIFIETH

There was submitted Report No 151/24 by the Service Leader – Planning and Sustainable Growth detailing application No. 23/00783/PRIORN by MBNL (EE UK Ltd & Hutchison UK Ltd) seeking prior approval for the siting and appearance of 20m high monopole mast incorporating antennas, dishes and ancillary equipment cabinets on land at the bus terminus adjacent to the former Ashludie Hospital, Victoria Street, Monifieth. The application was recommended for approval subject to conditions.

Slides were shown following which officers responded to members' questions in relation to the commentary contained within the papers which suggested that the 2015 mast was now not suitable.

Thereafter, Mr Mannion, Mrs Mannion and Mr Melvin, all objectors, addressed the meeting and answered members' questions.

At this stage in the meeting (10.55am), the Committee agreed to adjourn for 2 minutes to allow Councillor Stewart to restart his camera. The meeting resumed at 10.57am.

The Committee heard from a number of members who made comment on the application.

COUNCILLOR CHEAPE, SECONDED BY COUNCILLOR FOTHERINGHAM, MOVED THAT THE APPLICATION BE REFUSED AS THE SITING AND APPEARANCE OF THE DEVELOPMENT WOULD BE DETRIMENTAL TO THE STREETScape AND GENERAL AMENITY OF THE AREA, INCLUDING LISTED BUILDINGS AND STRUCTURES. IT WOULD HAVE AN UNACCEPTABLE ADVERSE IMPACT ON THE AMENITY OF RESIDENTS IN THE AREA, AND IT HAS NOT BEEN DEMONSTRATED THAT THE PROPOSAL WOULD NOT GIVE RISE TO ADVERSE IMPACT ON PROTECTED SPECIES, ALL IN CIRCUMSTANCES WHERE IT HAS NOT BEEN ADEQUATELY DEMONSTRATED THAT THOSE IMPACTS WOULD NOT OCCUR TO THE SAME EXTENT AT OTHER POTENTIAL SITES IN THE WIDER AREA. THE PHYSICAL CHARACTERISTICS OF THE AREA HAVE CHANGED IN THE PERIOD SINCE THE PREVIOUS APPEAL DECISION AND THERE ARE MORE HOUSES WITHIN THE WIDER AREA, AND ADDITIONAL ALTERNATIVE SITES HAVE BEEN IDENTIFIED THAT HAVE NOT BEEN ADEQUATELY CONSIDERED. THE PROPOSAL IS NOT A PREFERRED AREA FOR TELECOMMUNICATIONS MAST AND THE SITING OF THE DEVELOPMENT DOES NOT ADEQUATELY MINIMISE IMPACTS ARISING IN TERMS OF NPF4 POLICIES 4, 7, 14 AND 24, AND ANGUS LOCAL DEVELOPMENT PLAN POLICIES DS3, DS4, TC13, PV5, PV6 AND PV8.

Councillor Duff, seconded by Councillor Braes, moved as an amendment, that the application be approved for the reason and subject to the conditions, as detailed in Section 10 of the Report.

On a vote being taken, the members voted:-

For the motion:-

Councillors Cheape, Durno, Beattie, Clark, Doran, Fotheringham, McLaren and Melville (8).

For the amendment:-

Councillors Braes, Duff, Gall and Stewart (4).

The motion was declared carried and planning permission refused for the reasons as detailed above.

At this stage in the meeting (11.15am), the Committee agreed to adjourn for 5 minutes. The meeting resumed at 11.20am.

8. PLANNING APPLICATION – FIELD 300M WEST OF GRANGE OF BERRYHILL, INVERGOWRIE

There was submitted Report No 152/24 by the Service Leader – Planning and Sustainable Growth detailing application No. 24/00048/FULM on behalf of Berryhill Solar Farm Ltd which related to a solar photovoltaic array with an export capacity of up to 49.9MW and associated infrastructure on land 300m west of Grange of Berryhill, Invergowrie.

The application was made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to develop subject to different conditions than those attached to planning permission 21/00535/FULM (allowed by Scottish Government on appeal PPA-120-2060). Principally, the application sought a variation to condition 1 to extend the timescale for implementing the planning permission until a date not later than 21 September 2027. The application was recommended for approval subject to conditions.

Slide were shown following which officers responded to members' questions in relation to

commencement of landscaping prior to the commencement of the works, potential use of different technology and equipment upon commencement of development and variation of the timescales for implementation.

Thereafter, Mr Speedie, an objector and Mr Moisey, a representative of Solar 2, the applicant, addressed the meeting and answered members' questions.

Following comments, and having had regard to all the representations and submissions, the Committee agreed that the application be approved for the reason and subject to the conditions, as detailed in Section 10 of the Report.