

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 15 SEPTEMBER 2015**

**ENFORCEMENT UPDATE**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report is an update on progress of Enforcement Cases which are of interest to the Development Standards Committee.

**1. RECOMMENDATION**

It is recommended that the Committee note the contents of this report.

**2. BACKGROUND**

An update on enforcement case matters where the Development Standards Committee has expressed an interest in enforcement proceedings is provided for each meeting of the Committee. The table format of the current caseload is attached overleaf.

**3. DISCUSSION**

In the period from 1 April 2015 to 31 August 2015, 138 new enforcement cases have been recorded and 126 cases have been closed. There are currently 169 cases that are subject of ongoing investigation.

**4. OTHER IMPLICATIONS**

There are no financial, human rights or equalities implications arising from this report.

**5. CONCLUSION**

In order to keep the Committee informed of progress in respect of enforcement case matters an updated report will be prepared for each Development Standards Committee meeting.

**NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

**REPORT AUTHOR: VIVIEN SMITH, HEAD OF PLANNING & PLACE**

**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**Date: 3 September 2015**

**APPENDIX 1: CURRENT ENFORCEMENT CASES**

## APPENDIX 1

## CURRENT ENFORCEMENT CASES

| Reference Number | Address   | Date of Development Standards Committee | Details of Breach/ Complaint                     | Summary of Action   | Future Action/Update   |
|------------------|---|---|--|---|--|
| 08/00007         | Strathmartine Hospital                            | 08.01.2008                              | Deterioration in condition of listed building.   | Site visit by Members of the Committee held on 16 August 2010. The recommendations of Reports 653/10 and 219/11 were agreed by the Development Standards Committee at the meetings on 31 August 2010 and 8 March 2011 respectively. Reports 640/11 and 545/12 were agreed by Committee on 20 September 2011 and 18 September 2012 respectively. | Formal applications have now been submitted for the redevelopment of the former hospital site (application references: 13/00268/EIAM, 13/00364/FULL and 13/00367/LBC). Council resolved to approve planning application 13/00268/EIAM, for the redevelopment of the listed buildings and site to 224 residential units, at its meeting on 18 December 2014 subject to appropriate planning conditions and Section 75 Obligation. On 12 February 2015 Angus Council agreed planning conditions and the terms of a Planning Obligation. Following this resolution, Scottish Ministers were notified of the Council's intention to grant planning permission and have confirmed that the application has been called-in. The other detailed applications will be determined once the final outcome of the application for the wider site is known. It is understood that a decision from Government on the called-in application is likely to be received in October. |
| 12/00155         | Site Due East of The Knowe Kinnaber Road Hillside | 19.02.2013                              | Unauthorised use of site for siting of caravans. | An Enforcement Notice was served on 18 April 2013 requiring the removal of the caravans. A letter was sent out to the site owner on 10 April 2014 requiring the caravans to be removed from the site within 7 days. This request was ignored and a Fixed Penalty Notice was issued by Sheriff Officers on 24 April 2014.                        | The matter was reported to the Procurator Fiscal however the Fiscal has advised that the case will no longer be progressed. A separate report was submitted to the Committee on 25 August 2015. Direct action will be pursued to ensure removal of the caravans from the site and to achieve compliance with the Enforcement Notice.   |

| Reference Number | Address  | Date of Development Standards Committee | Details of Breach/ Complaint   | Summary of Action  | Future Action/Update   |
|------------------|--|---|--|--|--|
| 12/00050         | Joinery Workshop and Yard<br>Douglstown<br>By Forfar | 27.08.2013                              | Biomass briquette production plant operating without the benefit of planning permission. | <p>Enforcement Notices served and progress towards compliance is being monitored. Planning Officers visited the site on 22 July 2015 to inspect the flue, other decommissioning works for biomass equipment and generally inspect the site for compliance with Notices / Planning Permissions.</p> <p>It was observed that the developer had undertaken works to decommission biomass equipment and had lowered the height of material piles at site to achieve compliance. However, three storage containers were observed at the site.</p> <p>A revised Construction Method Statement was received on 31 July 2015 and was reviewed and amended with the developer and agent. SEPA and SNH were consulted regarding the document and invited to provide comment. Planning Enforcement Officer was in discussion with developer's agent regarding the three storage containers observed at the site visit to establish if these require Planning Permission.</p> <p>The enforcement case in relation to the decommissioning of the biomass unit was closed as it was considered the developer has taken reasonable steps to decommission the biomass equipment.</p> | <p>In respect of the three metal containers observed on a site visit, based on information provided by developer's agent, it is considered that these benefit from planning consent through Condition 1 of Enforcement Notice Reference: ENF 252 for Enforcement Case 12/00050/BREACH.</p> <p>In respect of the raising of ground levels, SNH and SEPA have provided comment in relation to the Construction Method Statement (CMS) submitted by the developer. The developer's Engineering Consultant has submitted a revised CMS and it is being reviewed.</p> |

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|------------------|---|---|---|---|--|
| 12/00230         | Barry & Downs Caravan Park<br>Barry<br>Carnoustie | 18.02.2014                              | Allegation that the site is not being used as 'Holiday use' and that permanent residential accommodation of caravans may be taking place. | <p>A Planning Contravention Notice (PCN) was served on the owner of the site.</p> <p>The PCN Response Forms were returned on 30 May 2014.</p> <p>A second PCN was served on the owner of the site to obtain more detailed information regarding the caravans on the site.</p> <p>The PCN Response Form has been returned by the owner.</p> <p>PCNs have also been served on the owners of specific caravans in order to gather information about suspected use of caravans as permanent residential accommodation.</p> <p>These responses were due by 20 October 2014 but none have been received. The non-response of the PCNs is initially being followed up with the site operator, who took receipt of the individual PCNs on behalf of the various owners.</p> | <p>The site operator submitted an application for a Certificate of Lawful Use to cover the site.</p> <p>The application was refused on 3 April 2015 and the site operator submitted an appeal against the decision to the Scottish Government, which was dismissed on 2 September 2015.</p> <p>Consideration is now being given to an appropriate course of action following this decision and the views of Committee will be sought once the appellant's six-week period for seeking appeal to the Court of Session has passed.</p> <p>A Section 33A Notice was also previously served on the owner of the site requiring the submission of a planning application for the use of the land for the siting of caravans for residential purposes.</p> <p>Planning application 15/00506/FULL for the use of land for siting of park homes as a principal or primary or sole residence was submitted in response to this Notice and will now be considered following the appeal decision.</p> |

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|------------------|---------------------|---|--|---|--|
| 14/00186         | Henderson Park Liff | 12.05.2015                              | An area of open space was to be transferred to the Council and a commuted sum paid to allow ongoing maintenance of the land. The open space is not being maintained. | The owner was written to on 14 April 2015 advising that he was in breach of condition 5 attached to planning permission ref. 04/00260/FUL requiring a scheme for the provision and maintenance of the open space. A response was required within 14 days with proposed timescale for the transfer of the land to the Council. | A Breach of Condition Notice was served on the owner of the site on 10 June 2015 detailing the maintenance requirements for the site. The date for compliance with the Notice being 8 July 2015. However a temporary measure is in place regarding maintenance and the situation is being monitored. The site was visited on 3 September 2015 and the requirements of the Notice were being met. |