

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.	<p>Several fire damaged buildings at the site have been demolished for safety reasons. The ground floor openings to the listed building, exposed by the demolition of link buildings, have been built up with concrete blockwork.</p> <p>Council resolved to approve application 13/00268/EIAM (for the redevelopment of the hospital) at its meetings of 18 December 2014 and 12 February 2015. The application was subsequently called-in for determination by Scottish Ministers and on 17 September 2015 they issued a notification of intention to approve the application subject to conclusion of a Planning Obligation (Report No 395/15 refers). As a result of a failure by the developer to enter into a Planning Obligation within timescales prescribed by the Scottish Government, Ministers have now issued planning permission in principle subject to conditions including a condition requiring a Planning Obligation to be entered into prior to the commencement of development. Notice was received that Ministers had issued planning permission on 25 April 2018.</p>	<p>Building Standards regularly visit the site to ensure the buildings remain boarded/ blocked up however the site continues to be targeted by vandals.</p> <p>The case remains open at this time until progress is made in respect of the redevelopment of the site.</p> <p>At the meeting of 18 June 2019 it was indicated that In light of the ongoing issues with the site the Planning Service intended to invite relevant parties to a meeting to explore available options for securing the redevelopment of the site.</p> <p>A meeting was held at Angus House on 23 July 2019 between all relevant services and agencies along with a prospective developer and their agents. Various matters were discussed and the Planning Service is now in dialogue with the developer regarding options to bring new proposals forward for the site.</p> <p>The Planning Service met with prospective developers and their agent on 04 October 2019. Discussions are ongoing with a view to realising the potential of the site and bringing it forward for development.</p>

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12/00230	Barry & Downs Caravan Park Barry Carnoustie	18.02.2014	Allegation that the site is not being used for 'holiday use' and that permanent residential accommodation of caravans may be taking place.	<p>A Section 33A Notice was 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>The site operator submitted an application for a Certificate of Lawful Use to cover the site. 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>The site operator submitted a legal challenge against the decision of the Scottish Ministers to the Court of Session. The legal challenge was dismissed and the Reporter's decision of 2 September 2015 stands.</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 the S33A Notice. The application was refused under delegated powers on 18 July 2016.</p> <p>The site owner submitted a further application for a Certificate of Lawful Use (16/00428/CLU) that was refused on 28 August 2016. A subsequent appeal to the DPEA was upheld and a certificate was granted for part of the application site.</p>	<p>The site operator has indicated that he may be in a position to demonstrate that the activities at the site are lawful on the basis it has operated in a particular manner for a continuous period of time. Officers have provided information in relation to the planning history of the site and have suggested that an application for a certificate of lawfulness of existing use should be submitted for those areas of the site where it is considered that lawfulness can be demonstrated.</p> <p>An application for a Certificate of Lawful Use has now been submitted for consideration.</p>
17/00008	Former Hooks Hotel 3 Bank Street Kirriemuir		There is demonstrable damage to the Category C Listed building caused by water ingress, defective	An Urgent Works Notice has been served on the owner notifying Angus Council's intention to instruct the following works no sooner than 13 February 2017:	Contractors have undertaken the required works at the site and costs will be recovered from the owner.

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	DD8 4BE		roof membrane, missing / broken windows and inadequate ventilation.	<ol style="list-style-type: none"> 1. Insert a temporary rainwater disposal system and the front and rear of the building and repair and test drains. 2. Secure a temporary robust membrane to the roof until the roof is re-slatted. 3. Secure all openings at the building currently open to the elements. 4. Provide ventilation throughout the building to comply with the British Standard. 	<p>An appeal against the serving of the Notice for Liability for Expenses (LBE0120-2001) for the site was lodged on 01 November 2017.</p> <p>A report and recommendations from a DPEA Reporter were submitted to Scottish Ministers for consideration. On 1 August 2018 the Scottish Ministers agreed with the Reporters conclusions and recommendation that the full amount claimed by Angus Council is recoverable.</p> <p>A letter has been sent to the site owner's solicitor requesting payment but no response had been received at the time of writing. An appropriate notice has been registered with the Land Registry. This will be triggered in the event that the site owner attempts to sell the property without paying the costs. This item will remain on the update until costs have been recovered.</p>
16/00276	Storage Shed Muirloch Liff	08.08.2017	<p>Unauthorised operation of a biomass production facility at the site of a storage shed that is authorised for the storage of biomass.</p> <p>Subsequent complaint received on 23 July 2018 alleging chipping operations have taken place outside of the</p>	<p>Planning application ref: 16/00987/FULL was approved by the Development Standards Committee on 24 April 2018 subject to conditions.</p> <p>The applicant submitted information to discharge conditions relating to the management of noise, artificial light and vehicles crossing the national grid pipeline.</p>	<p>The only outstanding matter is that of the National Grid pipeline crossing. It has been indicated that a contractor has been nominated to undertake pipeline crossing works and that the developer is continuing to endeavour to arrange National Grid supervision for the work to form the pipeline crossing however this is proving difficult. The Planning Service attempted to make contact with National Grid directly to ascertain its programme in this regard. No</p>

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			approved hours		response has been received. The applicant's agent continues to contact National Grid.
18/00072	Former NOSWA Sewage Pumping Station Yard, Craig O'Loch Road, Forfar	07.08.2018	Importation of soil, rubble, hard core, building materials and other detritus etc., compaction of these materials and altering of ground levels at a vacant yard without the benefit of planning permission.	<p>A Temporary Stop Notice (TSN) was served on 15 May 2018 requiring that the importation of materials into the site cease with immediate effect.</p> <p>An Enforcement Notice was served by Sherriff Officers. The notice took effect on 14 December 2018 and required that all non-inert material be removed from the site and that all remaining inert material be capped with a membrane and topsoil by 14 January 2019.</p>	<p>An Enforcement Notice has been served at the last known address of the landowner by Sheriff Officers, and an Amenity Notice was to be served by similar means. Direct action to remediate the site was authorised by Committee and discussions were underway with the Parks and Burial Grounds Service with a view to costing the works in order that costs could be recovered from the site owner.</p> <p>At the time of serving the Amenity Notice the Sheriff Officers ascertained that the site owner is no longer resident at that address.</p> <p>On this basis, the notice was returned unserved. The Planning Service continues to explore alternative options to ascertain the site owner's current address in order that the Amenity Notice can be served or alternatively, if there is some other means by which the notices can be served.</p> <p>The absence of any known address for the site owner also raises questions regarding the ability of the council to recover costs from the land owner should direct action be taken.</p>

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19/00033	Field South of Tinkers Ave Oathlaw Forfar	14.05.2019	A game bird rearing facility has been formed on the land without planning permission.	<p>Report 106/19 was presented to Committee on 09 April 2019 outlining the circumstances of the case. The report highlighted that a planning application was submitted for the erection of a poultry shed on the land. In March 2019 observations were received that works were being undertaken on the land and investigations established that a game bird rearing facility was being formed on the land. The use of the land for the rearing of game birds requires planning permission for which none has been granted. The owner indicated that birds are due to be delivered in May 2019 and cessation without an alternative site for relocation would have a significant impact on the business. The owner indicated their intention to submit a planning application for a game bird rearing facility on the land. However the owner continued to develop the site and it was considered expedient to serve a planning enforcement notice.</p>	<p>A planning enforcement notice was served on the owner on 15 April 2019 requiring them to remove from the land the buildings, caravan/s, structures and pens and other related equipment and materials associated with the rearing of the game birds for sporting purposes and return the land to an agricultural or fallow condition. The notice was due to take effect on 14 May 2019 unless an appeal was submitted beforehand.</p> <p>An appeal was submitted to the DPEA on 12 May 2019 and has subsequently been dismissed by the Reporter on 2 August 2019.</p> <p>The Reporters decision can be viewed on the DPEA website. The landowner had until the 30 September 2019 to comply with the actions set out in Report No 106/19</p> <p>The rearing of pheasants has currently ceased at the site. The site owner is in discussion with the Planning Service and has indicated his intention to seek to regularise the future use of the site through the submission of an application for planning permission.</p> <p>The substantive breach of planning control has been resolved and the case is closed.</p>

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17/00130	Craig O' Loch Rd Forfar	10.08.2019	A number of scrap motor vehicles had been deposited at the site which was impacting on the amenity of the neighbouring properties.	It was established that the units and land at the site were being used for the repair and maintenance of vehicles and for general storage. A caravan on the site was also being used for residential purposes. Planning application 19/00077/FULL for Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) and Class 6 (Storage and Distribution) was submitted but was subsequently refused by Committee on 6 August 2019.	<p>Enforcement Notices were served on the owner and the occupiers of the units requiring them to cease the class 5 use on the site. In addition, it has been indicated that unless the matter of the residential occupation of a caravan is resolved by 6 November 2019, then additional and separate action will be taken in respect of that matter. Residential use of the caravan has ceased.</p> <p>Appeals against the decision of the council to refuse planning application ref: 19/00077/FULL and to serve the Enforcement Notice were submitted to the DPEA on 23 September 2019. The Reporter issued their decision on 25 November 2019 dismissing the appeal to refuse planning permission but allowing the appeal against the Enforcement Notice, amending the time for compliance from two months to six months.</p> <p>The Reporter's decisions are subject of separate reports to this meeting.</p>
18/00096	Millfield Feus Dance Studio Arbroath	10.08.2019	Loud music and shouting from the dance studio was audible within neighbouring residential properties.	Planning Permission 13/00388/FULL was granted for Change Of Use From Show Room/Work Shop To A Dance Studio. Condition 3 of that permission states <i>'That all amplified music or vocals associated with the use shall be controlled in such a way as to be inaudible when assessed within any habitable room of a dwelling or other room of a noise sensitive premise with the receiver rooms</i>	Further monitoring has been undertaken and it was ascertained that noise was audible in a neighbouring house. The site operator is currently investigating options to obtain adequate noise abatement measures in order to bring the use of the site into compliance with the relevant condition.

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				<p><i>windows partially open for ventilation.'</i></p> <p>It was initially established that the dance studio was operating in breach of the condition and a Breach of Condition Notice was served on the operator on 9 May 2019 requiring them to undertake steps to comply with the condition by 12 June 2019.</p>	
18/00098	Former Ashludie Hospital Monifieth	10.08.2019	A wall has not been constructed on the site boundary as required by Condition 1 of planning permission ref 15/00099/FULM.	Planning application 19/00440/FULL to Erect a 2m Timber Fence along the North West Site Boundary between the Miller Homes Development and the Existing Properties within 'The Stables' was refused by Committee at the meeting of 6 August 2019.	<p>A Breach of Condition Notice was served on the developer on 30 August 2019 requiring the wall to be constructed by 2 December 2019 and the associated landscaping to be completed by 1 April 2019.</p> <p>An appeal against the decision to refuse planning permission for the erection of a fence was made to the DPEA on 13 November 2019. Further enforcement action will not be pursued until that appeal is determined.</p>
19/00096	Site Due East of The Knowe Kinnaber Rd Hillside	10.08.2019	Caravans and vehicles have returned to the site which is in breach of a pre-existing Enforcement Notice.	Officers visited the site on 19 August 2019 and advised the occupier that they were in breach of an Enforcement Notice that is effective against the site that requires the removal of caravans and structures. The current occupier was served with a Planning Contravention Notice requiring the Response Form to be completed and returned by 11 September 2019.	<p>It has been ascertained that the ownership of the site has been transferred and investigations are ongoing in order to establish who would be liable in the event that further action is required to be undertaken.</p> <p>The approach in respect of this case is being reviewed in light of the decision of the DMRC to grant a second planning permission for gypsy/traveller</p>

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					accommodation at North Mains Croft, Logie, Kirriemuir in similar circumstances as that decision is material to further considerations of the matter.
17/00036	56 Broomwell Gardens Monikie	12.11.2019	Concerns raised regarding smoke coming from domestic biomass plant in the detached garage at the property.	It was established that a biomass plant and associated flue had been installed in the domestic garage of the property. The flue was determined not to benefit from deemed planning permission and planning application ref: 18/00152/FULL was submitted in an attempt to regularise the situation. The application was subsequently refused as it was determined that the location of the flue resulted in an unacceptable amenity impact on neighbouring property as a result of impacts arising from insufficient dispersal of the products of combustion.	An Enforcement Notice was served that required the removal of the flue by 08 October 2019. The flue has now been removed as required by the Notice and the enforcement case is closed.
18/00081	Priory View, Old Brechin Road, Lunanhead	10.12.2019	Land used for the siting of a storage container	Complaint was received regarding the siting of a storage container on land.	An enforcement notice has been served requiring the removal of the storage container. Planning permission has subsequently been granted for the siting of the storage container on an alternative area of land. The terms of the permission require the container to be repositioned by 19 February 2020.
17/00090	The Steadings Reswallie Mains Forfar	10.12.2019	Storage of vehicles in breach of terms of an enforcement notice that allows the storage of 6 vehicles used as family	Officers have identified that vehicle storage in excess of that permitted is taking place at the site.	The land owner will be contacted, reminded of the terms of the enforcement notice and invited to undertake steps to secure compliance with its terms. If the matter is not resolved voluntarily a further report will

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			transport, in addition to 14 vehicles stored for hobby related purposes.		be presented to committee.