

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 4 AUGUST 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 24 July 2015, 108 new enforcement cases have been recorded and 103 cases have been closed. There are currently 166 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.

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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.	<p>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).</p> <p>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.</p> <p>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.</p> <p>The other detailed applications will be determined once the final outcome of the application for the wider site is known.</p> <p>Following a recent fire at the property a Dangerous Building Notice has been served on the owner. The owner has submitted details of the proposed works to be carried out to the building. The submitted information provided for a timescale for the works including an end date for the submission of tender documents. At the time of writing a copy of the tender documents has not been received by the Planning Service which gives concern regarding implications in respect of the timing of the proposed work. However an indication has been received in explanation of the reasons for delay and this is being taken into account in considering how best to progress matters.</p>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
12/00155	Site Due East of The Knowe Kinnaber Road Hillside	19.02.2013	Unauthorised use of site for siting of 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 marked the case as 'No Further Proceedings'. A meeting has been requested with the Procurator Fiscal to discuss the reasons for this and Committee will be updated in due course.
12/00050	Joinery Workshop and Yard Douglstown By Forfar	27.08.2013	Biomass briquette production plant operating without the benefit of planning permission.	Site visits were carried out on 18 April 2014 and 9 May 2014 and the site owner was co-operating with what had been requested of him. Committee allowed a period of 6-months for this matter to be resolved. This date expired on 20 September 2014. A subsequent site visit was carried out on 23 September 2014 and it was noted that a substantial amount of material has been removed from the site and that significant progress has been made clearing the paddock area. Evidence of further progress was noted on a site visit on 21 October 2014, which followed an extended deadline of 17 October 2014 being given to remedy outstanding breaches.	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. It was observed that the developer has undertaken works to decommission biomass equipment and has lowered the height of material piles at site to achieve compliance, however, three storage containers were observed at site that may not benefit from Planning Permission. This matter is under investigation. Developer has advised in writing that they will submit a revised Construction Method Statement, as required by the Enforcement Notices in relation to ground level raising in the "Paddock" area, by 31 July 2015 at the latest. It is considered this action will prevent them being in breach of their Enforcement Notices.

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
12/00050 (contd)				<p>An Enforcement Notice was served on 13 February 2015 in relation to the use of land and buildings west of Kerbet Water. Two Enforcement Notices concerning the unauthorised raising of land levels within the "Paddock" were served on 27 February 2015.</p> <p>All applications were determined and Enforcement Notices served as agreed by Committee.</p> <p>Enforcement Notice for use of land and buildings west of Kerbet Water took effect on 15 March 2015. No appeal was received in relation to this Notice.</p> <p>Enforcement Notices for unauthorised raising of land levels within the "Paddock" area took effect on 28 March 2015. No appeal was received in relation to these Notices.</p> <p>Information regarding the decommissioning of the plant and flue has been submitted and owner has indicated that those works are now complete.</p>	

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
12/00050 (contd)				<p>A Construction Method Statement was submitted for ground works in the North and South "Paddock" as required by Enforcement Notice. That document was reviewed and was considered insufficient in detail to be a competent Construction Method Statement.</p> <p>During site monitoring visits by Enforcement Officers it was identified that materials were stockpiled to a height in excess of the 2 metre limit specified in planning conditions. The site owner was made aware of this situation and asked to remedy matters. In that respect a photograph suggesting that the stockpile has been reduced in height was submitted.</p>	

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
13/00015	Lochlands Leisure Park Dundee Road Forfar	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.	The Planning Contravention Notices which were served were all returned by the due date required and Report 218/14 provided to Committee on 13 May 2014 gave an update on this case.	<p>Planning Contravention Notices (PCNs) were served on the owner and on every person who owns a caravan/lodge at the site.</p> <p>A number of responses indicate that caravans are being occupied as permanent residential accommodation in breach of planning and site license conditions. This matter is subject of ongoing discussion with the Environmental Health and Legal Services.</p> <p>The owners have advised that they are undertaking measures to ensure the caravans and lodges are not used as permanent residential accommodation and have provided information to evidence this.</p> <p>Report No 145/15 presented to Committee on 31 March 2015 provided the latest update for the site.</p> <p>Satisfactory clarification / additional evidence has been provided in respect of a number of caravans and the enforcement case has now been closed.</p>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
12/00230	Barry & Downs Caravan Park Barry 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. 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. 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. 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. The application was refused on 03 April 2015 and the site operator has submitted an appeal against the decision to the Scottish Government.</p> <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. Planning application 15/00506/FULL for the use of land for siting of park homes as a principle or primary or sole residence has been submitted and is pending consideration.</p>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
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. The owner has been written to for confirmation that he intends to comply with the Notice. It is understood however that a temporary measure is in place regarding maintenance.