

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 4 NOVEMBER 2014

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. INTRODUCTION

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. FINANCIAL IMPLICATIONS

There are no financial implications.

4. OTHER IMPLICATIONS

There are no human rights or equalities implications attached to 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.

P&P/IM/RP
27 October 2014

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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
02/00149	1 Broomwell Gardens Monikie	05.10.2005	Untidy state of land surrounding property.	Costs for the first Direct Action in 2007 are £16,146 plus £3,100 interest. Costs for the second Direct Action are currently £12,968.18. The overdue accounts from both clearance operations remain unpaid.	The property was repossessed by the bank and sold at auction. The new owner has been contacted and has been advised of the Amenity Notice covering the site. The owner has advised they propose to renovate the property and have commenced clearing the site.
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). These proposals seek conversion of the hospital administration building to 24 flats, new build and conversion to residential (circa 200 dwellings), provision of community use and crèche, associated access, landscape and infrastructure works. Reports on these applications will be brought forward for determination in due course. Report 219/14, discussed at Committee on 13 May 2014, provided the latest update on the site. A site visit was undertaken in relation to conservation and building/public safety by officers within Planning and Building Standards. A letter has been sent to the site owner setting out the findings and any action required.

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
11/00171 & 00242 to 00244	Properties adjacent to the Lunan Water Old Mill Place Friockheim	03.4.2012	Decking and structures constructed on the river bank without the benefit of planning permission or prior written approval.	Planning Application 04/01358/FUL for the erection of 14 dwellinghouses was approved on 8 July 2005. Condition 16 stated that no enlargements or improvements normally permitted under Class 1, 3 or 4 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (The Order) be constructed without the written approval of the planning authority.	Reports 414/12, 83/13 and 594/13 have previously been considered by Committee. No further planning enforcement action is to be taken with regards to these cases. All enforcement cases have therefore been closed. Building Standards have investigated with regards to the requirement for building warrant approval and to date completion certificates have been issued for two of the properties. A third property owner has undertaken works removing the requirement for a Building Warrant. The remaining property owner has submitted a completion certificate and an engineer's report which requires minor works to be undertaken to allow the completion certificate to be accepted. It is understood that this involves the strengthening of a handrail. The Committee will be provided with a further update on this matter in due course.
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 with 7 days. This request was ignored and a Fixed Penalty Notice was issued by Sheriff Officers on 24 April 2014.	The Fixed Penalty Notice was required to be paid in full by 23 May 2014. No payment has been received and the caravans remain on the site. The matter has been reported to the Procurator Fiscal and further supporting information has been submitted to their office. The Committee will be updated on progress in due course.

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
12/00050	Joinery Workshop and Yard Douglastown 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 is co-operating with what has 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. The owner has been advised of the matters that remain to be addressed and a further report on the situation is the subject of a separate report presented to Committee.
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.	In order to assist this investigation, and further to a Planning Contravention Notice (PCN) already served, the site owner was requested to provide additional information to allow further PCNs to be issued on every person(s) who owns a caravan/lodge at this site. This information was not provided. Therefore a second PCN was served on the owner of the site to obtain more detailed information regarding the caravans on the site and the PCN Response Form has now been completed and returned. PCNs have also been served on the individual caravan/lodge owners in order to gather information about suspected use of caravans/lodges as permanent residential accommodation. These responses are due by 31 October 2014; some of which have already been received.

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 has also submitted an application for a Certificate of Lawful Use to cover the site, which has not been validated as yet.</p>