

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>The case remains open at this time until progress is made in respect of the redevelopment of the site.</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>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>Planning application ref: 20/00102/FULM was submitted on 10 February 2020. The application is made under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to amend conditions to which planning permission ref: 13/00268/EIAM was subject as a prelude to progressing detailed proposals for the redevelopment of the site.</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 for '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 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.</p> <p>The applicant's agent lodged an appeal in respect of the Council's decision with the DPEA.</p> <p>The Reporter's decision on the appeal was issued on 7 February 2017. The Reporter granted a Certificate of Lawfulness 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>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
17/00008	Former Hooks Hotel 3 Bank Street Kirriemuir DD8 4BE		There is demonstrable damage to the Category C Listed building caused by water ingress, defective roof membrane, missing / broken windows and inadequate ventilation.	<p>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:</p> <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>Contractors have undertaken the required works at the site and costs will be recovered from the owner.</p> <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</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</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</p>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
			received on 23 July 2018 alleging chipping operations have taken place outside of the approved hours	grid 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 response was been received. The applicant's agent continues to contact National Grid with a view to achieving compliance.
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 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 however the Sheriff Officers ascertained that the site owner is longer be 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> <p>The Planning Service is now looking into alternative means of tracking the site owner with a view to re-serving the amenity notice.</p>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
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.	<p>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> <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.</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 from the date of the Reporter's decision.</p> <p>The site operators now have until 25 May 2020 to cease using the site within Use Class 5. The case will remain open until compliance is achieved.</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.	<p>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 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>	The last update indicated that the site operator was investigating options to obtain adequate noise abatement measures in order to bring the use of the site into compliance with the relevant condition however new observation has been received that the facility continues to be operated in breach of the relevant noise condition. The Planning Service is further investigating if such observation is accurate.

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
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 of the Development Standards Committee 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.	<p>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> <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 decision to grant a second planning permission for gypsy/ traveller facility at North Mains Croft, Logie, Kirriemuir in similar circumstances as that decision is material to further considerations of the matter.</p> <p>It is understood that a further planning application for use of the land as a caravan site is likely to be submitted.</p>

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
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.	<p>An enforcement notice has been served requiring the removal of the storage container.</p> <p>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. Inclement weather has hampered access to the site to move the container and the site owner has been contacted in order to establish a revised date for undertaking the work required to achieve compliance.</p>
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 transport, in addition to 14 vehicles stored for hobby related purposes.	<p>A planning permission (varied on appeal in January 1998) imposed restrictions on the number and manner in which vehicles are stored on the land for hobby and family use. Enforcement and amenity notices were served and took effect in June 2007. Direct action to secure compliance with the terms of the notices was scheduled to take place in June 2009 but was cancelled following voluntary compliance.</p> <p>Officers have identified that vehicle storage in excess of that permitted is taking place at the site.</p>	The land owner has been 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 by 31 March 2020 a further report will be presented to committee seeking authority to take direct action.

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
19/00057	Land Between Queen Street and Newton Road Carnoustie	03.02.2020	Development of the site has been undertaken without discharging conditions attached to planning permissions ref 16/00052/FULL and 16/00301/FULL which collectively provide for the construction of five houses.	Two Breach of Condition Notices were served on the developer on 30 January 2020 requiring the submission of a scheme of hard and soft landscaping. The notices require the approved landscaping scheme to be implemented by 30 September 2020.	A scheme of hard and soft landscaping has been submitted and is currently being considered.