

ITEM No. 5 (a)

Report No 721/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

5 SEPTEMBER 1996

SUBJECT: ENFORCEMENT ACTION SCOTTISH WILDLIFE TRUST VISITOR CENTRE ROSSIE BRAES, MONTROSE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the updated position in respect of a long running enforcement matter at the Scottish Wildlife Trust's Montrose Basin Visitor Centre and presents a possible compromise solution.

1 RECOMMENDATION

It is recommended that the compromise solution offered by the Scottish Wildlife Trust to plant a hedge, backed by a temporary fence, between the parking bay and the front of the house occupied by the complainer, Mr. B. Barclay known as Allandale Cottage, be accepted.

2 INTRODUCTION

- 2.1 The Scottish Wildlife Trust's Montrose Basin Visitor Centre was opened in 1995 but in July of that year Mr. B. Barclay, whose property lies between the main road and the Visitor Centre car park, alleged that the development did not comply with the planning approval.
- 2.2 Following some correspondence with Mr. Barclay, the matter was placed before the District Council's Planning and Development Committee in September 1995 and the complaint was explained.
- 2.3 The original planning application submission had indicated car parking immediately adjacent to the Barclay family's rear boundary fence and attracted objections. Officials negotiated with the Architect and secured the submission of an amended scheme which deleted the car parking immediately adjacent to the Barclay's boundary and replaced it with landscaping.
- 2.4 In reality, however, this is not how the scheme has been implemented. While the layout of the car park is exactly as per the detailed plan, the location of the Barclay's house, shown on the plan as "indicative", was not accurate, the result being the Barclay's main window overlooks parked cars and not the landscaped area. Mr. Barclay claims that visitors to the centre stare into house as they get in and out of their cars, notwithstanding the car park is at a lower level.

- 2.5 It was explained to the District Council Committee members that there was considerable doubt over the question of enforcement given that the layout within the curtilage of the development site was as approved by the Council.
- 2.6 Accordingly, the District Council's Planning Committee requested officials to attempt to seek a voluntary solution by the Scottish Wildlife Trust. Discussion took place and correspondence passed between the various parties but the Trust was unwilling to 'dig-up' its parking area, lose spaces and put in more planting when they felt that the scheme built was exactly as approved. Their agent placed considerable stress on the lack of co-operation from Mr. Barclay when they requested access to accurately plot the precise location of his house, leading to his house position being shown on the plans as "indicative".
- 2.7 Despite prolonged correspondence a solution was not achieved leading to further reference to the District Council's Planning Committee in February. The Committee encouraged further negotiation backed by Enforcement Action if appropriate.

3 THE COMPROMISE SOLUTION

- 3.1 Efforts to secure a solution have continued, including a meeting on site which elicited the suggestion from Scottish Wildlife Trust that they plant a hedge between the parking bay and the house. A fence would probably be erected until the hedge has matured. After a few years this should form a reasonable screen between the house and visitors utilising the parking bay. In some respect this could have advantages over the original intention to provide a landscaped area as it will continue along the full width of the parking bay. In the approved plans two thirds of the parking bay would remain, providing uninterrupted diagonal views to the Barclay's window. The proposed full length hedge would screen these vehicles also.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications for the Council.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

- 5.2 Given that the completed works within the curtilage of the site fully comply with the planning consent, the Director of Law and Administration was of the opinion that an Enforcement Action was unlikely to succeed.

6 CONCLUSION

- 6.1 It is regrettable that it has not proved possible to implement the initial means of responding to a neighbouring objector's concerns and Enforcement Action is not now recommended. However, the proposal by the Scottish Wildlife Trust is to be welcomed as a compromise that should, nevertheless, secure a significant improvement for the complainant.

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.

AA/JJ/KW
28 August 1996

Alex Anderson
Director of Planning, Transport & Economic Development

