

ITEM No. 5 (c)

Report No 876/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24 OCTOBER 1996

SUBJECT: ENFORCEMENT ACTION - 32A MARKET STREET, MONTROSE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the circumstances relative to a recommendation to take enforcement action in respect of a satellite antenna erected at 32A Market Street, Montrose

1 RECOMMENDATION

- 1.1 It is recommended that the Committee agree to take enforcement action against a satellite antenna erected without the benefit of planning consent at 32A Market Street, Montrose.

2 INTRODUCTION

- 2.1 A general permission for satellite antenna is contained within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The permission varies according to the type of house involved or the area in which it is located. The property in question is located within Montrose Town Centre Outstanding Conservation Area.

3 CASE HISTORY

- 3.1 On 2 July 1996 it was noted that a satellite antenna had been erected on the front elevation of the building at 32A Market Street, Montrose, projecting into the street scene. A calling card was left at that address and on the following day, by way of response, a telephone call was received confirming the owner to be Mr & Mrs H Donald.
- 3.2 The breach of planning legislation was fully explained to the caller, Mrs Pauline Donald as was Council policy. She was informed that the antenna could be erected on the rear of the building in keeping with her permitted development rights.
- 3.3 The information contained in paragraph 3.2 above was confirmed in a letter dated 4 July 1996 which also contained Council Advice Note No 12 which relates to satellite antenna.
- 3.4 On 11 September 1996 Mrs Donald was seen at her home address when it was pointed out that the antenna remained in situ. She was asked what her intentions were in this matter but Mrs Donald became very hostile and gave no clear answer.

- 3.5 By means of a letter dated 12 September 1996, Mr & Mrs Donald were informed that if the satellite antenna remained in its present position the matter would be reported to the committee at its meeting on 24 October 1996.
- 3.6 Two other residents within the same building were found to be in breach of legislation and have co-operated and moved satellite antenna to the rear.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications.

5 CONSULTATION

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

6 CONCLUSION

Council Policy does not make undue difficulties for persons wishing to erect satellite antennae. Generally the dish must not exceed 90 cms in size and must be located below ridge height. If these criteria are met, planning consent is rarely demanded. In Conservation Areas it is particularly important that the requisite criteria are met if visual damage is to be avoided. In this particular case, it is also important that the Council is seen to be consistent with residents in the same building.

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/GC/MR

Alex Anderson
Director of Planning, Transport & Economic Development