

# ITEM No. 5 (a)

Report No 913/96

## ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24 OCTOBER 1996

SUBJECT: ENFORCEMENT ACTION - OLD QUARRY, EMMOCK ROAD, BALMUIR ESTATE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

**Abstract: This report relates to planning permission reference number D18640 issued in respect of the infill of Old Quarry, Emmock Road, Balmuir Estate.**

### 1 RECOMMENDATION

It is recommended that the Committee agrees to take enforcement action in respect of the unauthorised depositing of waste materials on the site of the Old Quarry, Emmock Road, Balmuir Estate, and the failure of the developer to carry out a planting scheme as indicated on the approved drawings and required by the conditions imposed on the planning permission granted on 14 October 1993 and assigned the planning reference number D18640.

### 2 INTRODUCTION

2.1 In June 1996 a complaint was received regarding the depositing of large mounds of earth and stone on the site of the Old Quarry, Emmock Road.

### 3 CASE HISTORY

3.1 On 14 October 1993 planning permission was granted, subject to conditions, to Raynor Building Services Ltd, Craigmill House, Craigmill Road, Bridgefoot, in respect of the infilling of the Old Quarry at Emmock Road, Balmuir Estate. Planning reference number D18640 refers.

3.2 In support of their application the developers submitted a three year planting schedule which specified that deciduous trees and native shrubs would be planted alongside the Emmock Road boundary and fence erected and line of trees planted along the east boundary during the first year of operation. During the third year, as infill neared completion, sub-soil and top soil were to be laid and grass seeds sown turning the main area into a grass paddock. As far as can be ascertained none of these works have been undertaken.

3.3 On receipt of the complaint the site was visited and Mr Kelly of Raynor Building Services Ltd interviewed. He was informed that the storage of waste materials at this location required the benefit of planning consent. A letter, dated 18 June 1996, was sent confirming the foregoing and requiring the removal of the waste materials from the site within three months followed by the carrying out of the approved planting scheme.

- 3.4 When on 16 September 1996 it was noted the waste materials remained on site a further letter was sent to Raynor Building Services Ltd, to the effect that unless the site was cleared by 24 October 1996 or a planning application submitted in respect of the continuing storage of the materials, the circumstances would be reported to the Committee with a recommendation that enforcement action be taken to remedy the breach in planning control. The letter also advised that the approved planting scheme had not been initiated and invited the developer to write intimating when this work was to be carried out. It was made clear that failure to communicate before 24 October 1996 could result in the service of a Breach of Condition Notice. There has been no response to this letter.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no significant financial implications.

#### **5 CONSULTATION**

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

#### **6 CONCLUSION**

- 6.1 The developer has been given ample opportunity to address the issues but has chosen not to do so. It would appear that adoption of the above recommendations is the only option left to achieve a satisfactory resolution.

#### **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/SP

15 October 1996

Alex Anderson  
Director of Planning, Transport & Economic Development