

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 30 APRIL 2001

REPORT ON: PLANNING ENFORCEMENT ANNUAL REPORT

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 239-2001

1 PURPOSE OF REPORT

- 1.1 To inform Members of the nature and extent of planning enforcement activity for the year April 2000-March 2001 and to make recommendations as appropriate to the Council's Enforcement Policy Statement approved by the Planning and Transportation Special Sub Committee on 13 November 2000.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Development Quality Committee notes the content of this report and confirms that on the basis of the report the Council's Enforcement Policy Statement should remain unaltered.

3 FINANCIAL IMPLICATIONS

- 3.1 The Planning and Transportation Sub Committee on 17 November 2000 resolved that a direct action fund within the Planning and Transportation Department's Revenue budget for the financial year 2000/2001.
- 3.2 As outlined below this dedicated budget permitted practical enforcement action to be undertaken.
- 3.3 It is proposed that within the Planning & Transportation Department confirmed Revenue Budget for 2001-2002 that a sum of £5000 be reserved and dedicated to direct action enforcement activity as outlined in the Policy Statement.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The Council's enforcement powers are available to support decisions taken by the Council to promote various key Dundee 21 themes but in particular:
- "Places, spaces and objects combine meaning and beauty with utility".

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 Robust yet fair enforcement policies help to ensure that all Dundee's citizens benefit from an enhanced environment and are protected from the adverse effects of unauthorised developments.

6 CORE ENFORCEMENT ACTIVITY

- 6.1 Planning enforcement is a key part of the relationship of development plans, development control and enforcement which together make up the statutory planning process.
- 6.2 The powers available to local planning authorities in respect of the enforcement of planning control were greatly enhanced through the Planning and Compensation Act 1991 and subsequently incorporated into Part VI (Secs 123-158) of the Town and Country Planning (Scotland) Act 1997 supported later by Circular 4/1999 and Planning Advice Note 54, 1999.

- 6.3 The table below indicates the levels of core enforcement activity undertaken by the Council over the past 3 years.

	1998/99	1999/2000	2000/2001
Enforcement Cases Investigated	145	173	252
Planning Contravention Notices Served	26	23	35
Breach of Condition Notices Served	0	0	2
Enforcement Notices Served	5	4	11
Wasteland Notices Served	2	5	7
Direct Action Cases	0	0	1

Source: Planning and Transportation Departmental Records and Scottish Executive Returns

- 6.4 The dramatic 45% increase in investigated enforcement cases over the previous year may be due to several factors: the greater awareness of the public about the opportunities for their involvement in the planning process; the public's improved awareness, through Council publicity, of the scope of planning enforcement; the Council's positive response in taking action where justified and expedient; and the improved accessibility of the enforcement service through a variety of means (Planning and Transportation Reception, Floor 2, Tayside House; e-mail, Pin Points, presentations to Community Councils and other organisations, publicity brochures etc).
- 6.5 During the year 2000-2001 92% of potential breaches of the planning control notified were voluntarily resolved through negotiation with the parties concerned. In these cases the works/activities are either removed or planning applications submitted. Where this approach fails and enforcement action is justified, formal notices are served.
- 6.6 During 2000, for the first time the Council took the ultimate course of action available to it in the legislation ie the undertaking of direct action to remedy a breach. This involved entering a premise with police presence and removing motor vehicles which were being stored and advertised for sale without the necessary planning permissions. The costs initially incurred by the Council were recovered by the sale of the vehicles. An action of this kind sends a powerful message to those who disturb the amenity enjoyed by others as a result of unauthorised activity on their part, that the Council is prepared to act decisively.
- 6.7 In relation to the monitoring of conditions, it is anticipated that a minimum of 10% of all applications granted with permissions will be checked annually and in addition that all significant developments and those with particularly onerous conditions will be monitored. A fuller account will be given in the next annual report.

7 TREE PROTECTION

- 7.1 A teamwork approach, led by the Enforcement Team and involving the Council's Forestry Officer and Legal Division, is taken to the discharge of the Council's statutory tree protection responsibilities. In the past year 181 requests from the public for the felling or lopping of trees in Conservation Areas have been administered and 3 Tree Preservation Orders were either confirmed or substantially progressed.

7.2 For the year 2001-2002 a programme of 15 further Tree Preservation Orders is proposed with progress monitored and priorities reset on a quarterly basis.

7.3 Tree protection and management is an increasing element of workload as the public becomes more aware of their responsibilities in law; the value of trees to the City's amenity; and the Council's policies in relation to the promotion of sustainability.

8 HOUSES IN MULTIPLE OCCUPATION

8.1 Although this topic area has generated inquiries in recent years the introduction of the mandatory licence scheme in October 2000 has led to a significant increase in enquiries from neighbours, solicitors and property agents seeking confirmation of the lawful use of properties in respect of multiple occupancy. To date under the scheme 23 inspections/responses have been made with the total rising to 63 if informal inquiries are taken into account.

8.2 It is anticipated that as the scheme progresses the workload in this topic area will increase.

9 STAFF RESOURCES AND EXTERNAL ACTIVITIES

9.1 As previously authorised by the Planning and Transportation and Personnel & Management Services Committee on 13 November 2000, an Assistant Enforcement Officer has been appointed and assumed her duties on 9 April 2001.

9.2 Dundee will be hosting the meeting of the Scottish Planning Enforcement Officers Forum in July 2001.

10 CONSULTATIONS

10.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, Director of Housing, Director of Economic Development, Director of Public Relations, Legal Manager and the Chief Constable, have been consulted and are in agreement with the contents of this report.

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6 April 2001