

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 29 APRIL 2002

REPORT ON: REQUEST FOR DIRECT ACTION – 12 MAIN STREET, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 261-2002

1 PURPOSE OF REPORT

- 1.1 This reports seeks the agreement of members to the Director of Planning and Transportation and Director of Support Services to take appropriate action to seek the compliance with an Amenity Notice. The site is the vacant piece of land at 12 Main Street, Dundee, which has fallen into a stage of neglect.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee approve action under terms of Section 135 of the Town and Country Planning (Scotland) Act 1997, to allow the Council to enter onto the land 12 Main Street, Dundee and take the necessary steps to comply with an Amenity Notice, following the non-compliance of its terms by the landowner and recover from the landowner or lessee any expenses reasonably incurred.
- 2.2 It is recommended to give authorisation for the Planning and Transportation Department to enter onto the land concerned and executive the necessary works to seek compliance with the Amenity Notice.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated cost of demolition and removal of waste material from the site is approximately £1,000. The costs can initially be met within the Planning and Transportation Revenue Budget year 2002/2003 and will be recoverable from the owner.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 There are no Local Agendas 21 implications.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunities implications.

6 BACKGROUND

- 6.1 The site concerned is an open plot of ground at 12 Main Street, Dundee. It contains a two storey burnt out timber building which formerly operated as a burger bar and a one and a half stone built cottage which formerly operated as a Pool Hall.
- 6.2 The owner of the site is a Trustee Group, which is managed by a Local Chartered Surveyors firm. The Trustees were served with an Amenity Notice under terms of Section 179 of the Town and Country Planning (Scotland) Act 1997 in January 2002. The Notice took effect on 4 March 2002 and sought the demolition of the burnt out 2-storey building and removal of all demolition material from the site.
- 6.3 The owner of the site was given until the 25 March 2002 to comply with the terms of the Notice. This has not been done and the site remains in an intolerable state of neglect.

- 6.4 The Council has two options to pursue this matter further:-
- i It could report the circumstances to the Procurator Fiscal Services, which would hopefully result in a conviction against the landowner. However, the conviction would be for failing to comply with the Amenity Notice only and would not guarantee the removal of the burnt out building and other waste material.
 - ii Alternatively, the Council has the power under terms of Section 135 of the Act, to enter onto the land, execute the necessary works and recover their costs from the landowner. It is this option which is recommended because it is expedient and expeditious to remove this blight which is detrimental to the residential amenity of the surrounding area.
- 6.5 To do this the Council will act in accordance with advice and guidelines laid down within the Scottish Office Planning Advice not PAN54, Planning Enforcement and the Scottish Office Circular 4/1999 Planning Enforcement. To that end agreement has been reached with Environmental and Consumer Protection Department to execute the necessary works.
- 6.6 If successful in obtaining permission to take Direct Action it is intended to undertake the works within 30 days. It is estimated that the work will take 2 days to complete.
- 6.7 No special powers of entry will be requested, as there is provision within Section 156 of the Act to allow any Officer duly authorised in writing by the Planning Authority to enter land to executive the necessary steps.
- 6.8 It is recommended that the Council, as Local Planning Authority, uses the powers vested in it by the Act to enter the land at 12 Main Street, Dundee, demolish the burnt out 2-storey building and remove the waste material from the site. It is further recommended that such steps as are necessary to recover its costs be taken, all, in accordance with the terms of this report.

7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services, have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 Amenity Notice Ref JEM/NG 4/5/11 served on 30 January 2002.
Scottish Office Planning Advice Note PAN54 (Planning Enforcement)
Scottish Office Circular 4/1999 (Planning Enforcement)

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18 April 2002

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