

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 24 MAY 2004

REPORT ON: REQUEST FOR DIRECT ACTION AT GROUND ADJACENT TO 101-105 CHARLESTON DRIVE, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 312-2004

1 PURPOSE OF REPORT

1.1 This report seeks authority to take appropriate action to seek compliance with a Wasteland Notice at ground adjacent to 101-105 Charleston Drive, Dundee.

2 RECOMMENDATIONS

2.1 It is recommended that Committee authorise action under the terms of Section 135 of the Town & Country Planning (Scotland) to allow the Council to enter onto land and take the necessary steps to comply with the terms of the Wasteland Notice. Thereafter any expenses reasonably incurred by the Council taking such action will be recovered from the landowner.

3 FINANCIAL IMPLICATIONS

3.1 It is not presently possible to accurately estimate the costs involved, but these are considered to be relatively minor. The costs can initially be met from the Planning and Transportation Revenue Budget 2004/2005 and thereafter recovered from the respective landowner.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 Action to seek the removal of cars and detritus would be in accordance with the Council's Local Agenda 21 Policy in particular with Key Theme No 13 which exists to combine beauty with utility within places, spaces and objects.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

6 BACKGROUND

6.1 The site concerned is open ground west of Elmwood Road and south of Charleston Drive, Dundee . The owner of this site was served with a Wasteland Notice giving 60 days to comply. The Notice required the owner to cut back and remove the overgrown grass and weeds at this site and also remove motor vehicles parked to the west. The owner has scraped away the overgrown grass and weeds at the site but has not removed the debris of the scrape or the cars.

6.2 The Council has two options to pursue enforcement matters, the Council can either report the matter to the Procurator Fiscal or take Direct Action by entering onto the land in question to remedy the problem. However, in the case of a Wasteland Notice there is no option of reporting the circumstances to the Procurator Fiscal. Direct Action is the only solution available to the Council.

- 6.3 In carrying out this Direct Action, the Council will act in accordance with the advice and guidelines laid down within the Scottish Executive Development Department Planning Advice Note PAN54, 'Planning Enforcement' and the Scottish Office Circular 4/1999 'Planning Enforcement'.
- 6.4 If successful in obtaining permission to take Direct Action, it is intended to undertake the works immediately and that the works will take approximately one week to complete.
- 6.5 No special powers of entry will be required, 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 execute the necessary steps.
- 6.6 It is recommended that the Council, as a Local Planning Authority, uses the powers vested in it by the Act to enter the land adjacent to 101-105 Charleston Drive, Dundee and remove the detritus and cars and thereafter to take such steps as are necessary to recover its costs all in accordance with this report.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 None.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Divisional Manager

IGSM/LC/EC

4 May 2004

Dundee City Council
Tayside House
Dundee