

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 30 JUNE 2003

REPORT ON: REQUEST FOR DIRECT ACTION AT 20-26 HAREFIELD ROAD, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 358-2003

1 PURPOSE OF REPORT

- 1.1 This report seeks the agreement of members to the Director of Planning and Transportation and Director of Support Services taking appropriate action to seek compliance with an Amenity Notice. The site is a parade of shops at 20-26 Harefield Road, Dundee, whose condition has deteriorated, as a result of neglect, vandalism and graffiti.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee approves action under the terms of Section 135 of the Town & Country Planning (Scotland) Act 1997, to allow the Council to enter the land at 20-26 Harefield Road, Dundee, and take the necessary steps to comply with the Amenity Notice, following non-compliance of its terms by the landowner and to recover from the landowner or lessee any expenses reasonably incurred.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated cost of demolition of the buildings is approximately £20,000. These costs are recoverable through the owners. The costs can initially be met within the Planning and Transportation Revenue Budget for 2003/2004.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 Local Agenda 21 Key Theme 13, Places, Spaces and objects combine meaning and beauty with utility is a relevant consideration in these circumstances. The poor condition of the land and buildings at this prominent site is not achieving the aims of this Key Theme.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunities implications.

6 BACKGROUND

- 6.1 The site concerned is a parade of shops at 20-26 Harefield Road, Dundee. This site suffered from neglect for some time and as a result the vacant properties have been subject to vandalism and graffiti. The owners of the shops were each been served with an Amenity Notice in November 2002. The Notice came into effect on 31 December 2002. The Notice required the owners to demolish the buildings and remove all demolition material. The owners were given 90 days to comply with the terms of the Notice.
- 6.2 No appeal was lodged against the Notice by any of the owners. One of the owners intimated that he would be keen to take over the entire site in question and try to establish going concerns within the units. He was, however, unsuccessful in reaching agreement with the other owners of the site.
- 6.3 The Council has two options to pursue this matter, the circumstances can either report the matter to the Procurator Fiscal or the Council can take Direct Action by entering onto the land in question to remedy the problem. However, in the case of an Amenity Notice there is no

option of reporting the circumstances to the Procurator Fiscal. Direct Action is the only solution available.

- 6.4 To do this the Council will act in accordance with 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".
- 6.5 If successful in obtaining permission to take Direct Action, it is intended to undertake the works within 2 months. It is estimated that the work will take 7 days to complete.
- 6.6 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 execute the necessary steps.
- 6.7 It is recommended that the Council, as Local Planning Authority, uses the powers vested in it by the Act to enter the land at 20-26 Harefield Road, Dundee and demolish the buildings, clear and secure the site and thereafter to take such steps as are necessary to recover its costs all in accordance with the terms of this report.

7 CONSULTATIONS

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

8 BACKGROUND PAPERS

- 8.1 Planning Amenity Notice ref BW/AG/4/5/4/179, served on 22 November 2002. Dundee Local Agenda 21. Scottish Office Planning Advice Note PAN54 (Planning Enforcement). Scottish Office Circular 4/1999 (Planning Enforcement).

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning

IGSM/DMcL/RJ

16 June 2003

Dundee City Council
Tayside House
Dundee