

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 30 JUNE 2003

REPORT ON: NOTICE OF INTENTION TO SERVE AMENITY NOTICE AT HILLBANK GARDENS, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 462-2003

1 PURPOSE OF REPORT

- 1.1 This report seeks agreement of the members to the Director of Planning and Transportation, in consultation with the Director of Support Services, to serve an Amenity Notice on the owners of an untidy piece of land within the housing development at Hillbank Gardens, Dundee.
- 1.2 It is further sought that members approve Direct Action powers to the Director of Planning and Transportation if the terms of the aforementioned notice are not complied with, or if establishing ownership results in the inability to serve the notice.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee approve this action under the terms of Section 179 of the Town and Country Planning (Scotland) Act 1997, to allow the Council to serve an Amenity Notice seeking the tidying up of a piece of land in Hillbank Gardens, Dundee.
- 2.2 It is recommended that the Committee approve action under the terms of Section 135 of The Town and Country Planning (Scotland) Act 1997, to allow the Council to enter onto land at Hillbank Gardens and take the necessary steps to comply with the terms of the Amenity Notice. Thereafter any expenses reasonably incurred by the Council taking such action will be recovered from the landowner.
- 2.3 If an Amenity Notice is unable to be served due to the inability to trace a lawful owner then authority is sought to enter the land in question and carry out the necessary works to remedy the blight.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated cost of tidying the site is approximately £1,000. This cost can be met from the Planning and Transportation Revenue Budget 2003/2004.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 Action to seek the tidying of this piece of land would be in line 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 a landlocked piece of ground adjacent to Hillbank Gardens. It was laid out originally as a landscaped area by the developer of this housing development. The land was meant to have been disposed to the Council for maintenance. This was never done and the original developer went into liquidation some time ago. Initial attempts to trace a lawful owner have been unsuccessful.
- 6.2 The land has since not been maintained and has become a blight on the immediately adjoining residential area, by reason of over growth and litter.
- 6.3 It is recommended that the Council uses the powers vested in it by the Act to alleviate this eyesore, by serving an Amenity Notice. Given the circumstances of this case, it may prove difficult to identify an owner on whom to serve a Notice. This being the case it is recommended that authority be given to enter the site and remedy this breach.

7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services and Director of Corporate 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
Head of Planning Services

IGSM/DMcL/MS

18 June 2002

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