

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 27 SEPTEMBER 2004

REPORT ON: REQUEST FOR DIRECT ACTION AT GROUND TO THE SOUTH OF BALGRAY STREET, DUNDEE

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 637-2004

1 PURPOSE OF REPORT

- 1.1 This report seeks the agreement of members to the Director of Planning & Transportation, in consultation with the Depute Chief Executive (Support Services), taking appropriate action to seek compliance with a Wasteland Notice. The site is an area of ground to the south of Balgray Street, Dundee.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee authorise under the terms of Section 135 of the Town & Country Planning (Scotland) Act 1997, to allow the Council to enter onto land and take necessary steps to comply with the terms of the Enforcement Notice. Thereafter any expenses reasonably incurred by the Council taking such action will be recovered from the landowner.

3 FINANCIAL IMPLICATION

- 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 & Transportation Revenue Budget 2004/2005 and thereafter recovered from the respective landowner.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 Action to seek the improvement of the amenity of this area by carrying out works to the landscaped areas 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 is an area of ground to the south of Balgray Street, Dundee. The site is overlooked by flats situated on the south boundary and on the west boundary is the Fairmuir Social Club. This area of ground has been severely neglected for some time and as a result fly tipping has taken place. The owner was served with a Wasteland Notice, which took effect 14 July 2004 and was given 30 days to comply. No appeal against the Notice was received.
- 6.2 The Council normally has two options to pursue such matters; the Council 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 a

Wasteland Notice there is no option of reporting the circumstances to the Procurator Fiscal. Therefore, Direct Action is the only solution available.

- 6.3 To do this the Council will act in accordance with the advice and guidelines laid down within the Scottish Executive Development Department Planning Advice Note PAN 54, "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 a week to complete.
- 6.5 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.
- 6.6 It is recommended that the Council, as a Local Planning Authority, uses the powers vested in it by the Act to enter the land to the south of Balgray Street, Dundee and take the following steps:
- Cut back all trees, bushes and weeds and remove all the cuttings.
 - Demolish shed and remove all demolition materials.
 - Remove 'fencing' that has been constructed using old doors and also all detritus.

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

None.

Mike Galloway
Director of Planning & Transportation

I G S Mudie
Head of Planning

IGSM/IAR/LC/RJ

20 September 2004

Dundee City Council
Tayside House
Dundee