

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 23 FEBRUARY 2004

REPORT ON: REQUEST FOR DIRECT ACTION AT FORMER HOMEBASE STORE, RIVERSIDE DRIVE, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 80-2004

1 PURPOSE OF REPORT

- 1.1 This report seeks the agreement of members to the Director of Planning and Transportation, in consultation with the Depute Chief Executive (Support Services), taking appropriate action to seek compliance with a Wasteland Notice. The site is the former Homebase Store on Riverside 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) 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 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 2003/2004 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 the former Homebase Store, Riverside Drive, Dundee. This store has been empty for some time and as a result the landscaping in the car parking area and to the west of the store has been neglected and is now overgrown. The owner and tenant of the site were both served with a Wasteland Notice, which took effect 24 November 2003 and were given 30 days to comply. Previous direct action has been taken at this site for the removal of graffiti.
- 6.2 No appeal against the Notice has been received.

- 6.3 The Council has two options to pursue this matter, 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. Direct Action is the only solution available.
- 6.4 To do this the Council will act in accordance with the advise 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 immediately and that the works will take approximately a week 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 a Local Planning Authority, uses the powers vested in it by the Act to enter the land at the Former Homebase Store, Riverside Drive, Dundee and cut back all trees, bushes and weeds and remove all the cuttings and litter 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, 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
Head of Planning Services

IGSM/LC/WM

2 February 2004

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