

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 25 APRIL 2005

REPORT ON: REQUEST FOR DIRECT ACTION AT LAND TO THE SOUTH OF STEVEN'S YARD, DUNDEE

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 269-2005

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 an Amenity Notice. The site is Land to the South of Stephen's Yard, Dundee.

2 RECOMMENDATION

- 2.1 It is recommended that the 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 Amenity 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 & Transportation Revenue Budget 2005/2006 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 SITE AND SURROUNDINGS

- 6.1 The site is located in the inner city sector of Dundee within the curtilage area of a former Jute Mill that has been redeveloped primarily for residential purposes. The site is located to the west of Shepherds Loan, to the north of High Mill Court, to the west of Taylors Lane and to the South of Stevens Yard. The site is contained within the West End Lanes Conservation Area. The surrounding area is predominantly residential in character.

7 BACKGROUND

- 7.1 An Amenity Notice was served which came into effect on 2 August 2004 when a Developer deposited stone, timber roof joists, cast iron supports, piles of soil (which are now infiltrated by weeds) and enclosed the site with 1.8m high wire mesh fencing. The building materials deposited are what remains of the Category B Listed building formerly known as the Half Timer School. The Developer appealed the Amenity Notice and this appeal was dismissed by the Scottish Executive Inquiry Reporters Unit.
- 7.2 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 an Amenity Notice there is no option of reporting the circumstances to the Procurator Fiscal and therefore Direct Action is the only solution available.
- 7.3 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 PAN54, "Planning Enforcement".
- 7.4 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.
- 7.5 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.
- 7.6 It is recommended that the Council, as a Local Planning Authority, uses the powers vested in it by the Act to enter the land at Steven's Yard, remove and arrange for the storage of the building materials from the former Half Timer School, remove the detritus and fencing then reinstate the grass. Thereafter to take such steps as are necessary to recover its costs all in accordance with the terms of this report.

8 CONSULTATIONS

- 8.1 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.

Mike Galloway
Director of Planning & Transportation

Ian Mudie
Head of Planning

IGSM/LC/RJ

1 April 2005

Dundee City Council
Tayside House
Dundee