

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 21 JUNE 2010**

**REPORT ON: REQUEST FOR DIRECT ACTION**

**REPORT BY: DIRECTOR OF CITY DEVELOPMENT**

**REPORT NO: 343-2010**

## **1 PURPOSE OF REPORT**

- 1.1 This report seeks authority to take appropriate action to seek compliance with a Listed Building and Advertisement Enforcement Notices at 42-44 Commercial Street, Dundee.

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Committee authorise direct action under the terms of Section 38 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 to allow the Council to enter onto land and take the necessary steps to comply with the terms of the Enforcement notices. Thereafter any expense reasonably incurred by the Council taking such action will be recovered from the landowners or lessee.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 An estimate for removing the fascia and illuminated box sign has a probable cost of £250 plus VAT. There will be an additional nominal charge for three days storage in order that they may be reclaimed by the owners.
- 3.2 The costs can initially be met from the City Development Revenue budget 2010-2011 and thereafter recovered from the landowner or lessee.

## **4 BACKGROUND**

- 4.1 The property is a ground floor commercial unit in a 4 storey Category B listed building on the south west side of Commercial Street to the south of its junction with High Street.
- 4.2 All interested parties were served with a Listed Building Enforcement Notice and an Advertisement Enforcement Notice on 22 February 2010 giving 28 days to comply. The notices required the owner to remove the fascia sign and illuminated box signage and brackets.
- 4.3 The Council has two options to pursue this matter, the Council can either report this matter to the procurator fiscal or take direct action. However the Procurator Fiscal will not report on any case unless every other avenue has been explored. Therefore Direct Action is the best solution available to the Council.
- 4.4 In carrying out direct action, the Council will act in accordance with the advice and guidelines laid down within The Scottish Office circular 10/2009 "Planning Enforcement".
- 4.5 No special powers of entry will be required, as there is provision within Section 38 of the Act to allow the Planning authority to enter land to execute the necessary steps.

**5 POLICY IMPLICATIONS**

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

**6 CONSULTATIONS**

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Director of Finance and Assistant Chief Executive have been consulted and are in agreement with the contents of this report.

**7 BACKGROUND PAPERS**

- 7.1 There are no background papers of relevance to this report.

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CW/AV/MM

8 June 2010

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