

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 30 JUNE 2003**

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

**REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION**

**REPORT NO: 359-2003**

## **1 PURPOSE OF REPORT**

- 1.1 This report seeks the agreement of members to the Director of Planning and Transportation and Director of Support Services taking appropriate action to seek compliance with an Amenity Notice. The site is the former Homebase Store on Riverside Drive, Dundee, where the exterior condition of the building has deteriorated, as a result of vandalism and graffiti.

## **2 RECOMMENDATIONS**

- 2.1 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 the land at the former Homebase store, Riverside Drive, Dundee, and take the necessary steps to comply with the Amenity notice, following non-compliance of its terms by the landowner and recover from the landowner or lessee any expenses reasonably incurred.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 The estimated cost of removal of the graffiti and tidying up of the land is approximately £3000. In the circumstances relating to site ownership outlined below it is recommended that costs are recoverable through the owners. The costs can initially be met within the Planning and Transportation Revenue Budget for 2003/2004.

## **4 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 Local Agenda 21 Key Theme 13, Places, Spaces and objects combine meaning and beauty with utility is a relevant consideration in these circumstances. The deleterious condition of the land, on what is an Ambassadorial Route into and out of the City, is not achieving the aims of this Key Them.

## **5 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 There are no equal opportunities implications.

## **6 BACKGROUND**

- 6.1 The site concerned is the former Homebase Store on Riverside Drive, Dundee. It has lain empty for some time and as a result the property has been subject to vandalism and extensive graffiti, both inside and outside the building. The owners of the site have taken some steps to alleviate the problem including the boarding up of doorways with metal shutters and the cutting back of landscaped areas. However, the graffiti has continued unabated.
- 6.2 The owners of the site Advance Rentals Limited, were served with an Amenity Notice in December 2002. The Notice came into effect on 10 February 2003. The Notice required the owner to remove the graffiti from all elevations of the building, submit landscaping maintenance plans and remove all litter from the site. The owners were given 30 days to comply with the terms of the Notice.

- 6.3 As previously mentioned the owners have taken certain remedial steps to solve the problems. However, no attempt has been made to remove the graffiti from the building. The owners, Advance Rentals Limited, are a company in Liquidation and a copy of the Amenity Notice was also served on the Liquidator acting on behalf of the company.
- 6.4 The Council has two options to pursue this matter, the circumstances 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. Direct Action is the only solution available.
- 6.5 To do this the Council will act in accordance with advice and guidelines laid down within the Scottish Executive Development Department Planning Advice Note PAN54, "Planning Enforcement" and The Scottish Executive Development Department Circular 4/1999 "Planning Enforcement". To that end approaches have been made to a local company who deal with graffiti removal and they have agreed to undertake the work if required.
- 6.6 If successful in obtaining permission to take Direct Action it is intended to undertake the works within 21 days. It is estimated that the work will take 5 days to complete.
- 6.7 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.
- 6.8 It is recommended that the Council, as 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 remove the graffiti and litter and 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, Director of Finance, Director of Support Services, Director of Corporate Planning, and , have been consulted and are in agreement with the contents of this report.

## **8 BACKGROUND PAPERS**

- 8.1 Planning Amenity Notice ref BW/AG/ 4/5/3/179, served on 12 December 2002. Dundee Local Agenda 21. Scottish Office Planning Advice Note PAN54 (Planning Enforcement). Scottish Office Circular 4/1999 (Planning Enforcement).

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16 June 2003

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