

**REPORT TO: DEVELOPMENT MANAGEMENT COMMITTEE – 18 NOVEMBER 2013**

**REPORT ON: REQUEST FOR DIRECT ACTION AT FLAT 1/1, 93 NETHERGATE, DUNDEE**

**REPORT BY: DIRECTOR OF CITY DEVELOPMENT**

**REPORT NO: 467-2013**

## **1 PURPOSE OF REPORT**

- 1.1 This report seeks Committee approval for taking appropriate action to seek compliance with an Advertisement Enforcement Notice in respect of Flat 1/1, 93 Nethergate, Dundee.

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Committee authorise action under the terms of Section 26 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to allow the Council to enter onto land and take necessary steps to comply with the terms of the Advertisement Notice. Thereafter any expenses reasonably incurred by the Council in taking such action will be recovered from the landowner.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 An estimate for £150 (excluding Value Added Tax) has been provided by the Road Maintenance Section, City Development Department. The costs can initially be met from the City Development Revenue Budget 2013/2014 and thereafter recovered from the respective landowner.

## **4 BACKGROUND**

- 4.1 The property is a flatted property on the first floor of a traditional stone building on the north side of the Nethergate. The property is Category B Listed and lies within the University Conservation Area. The ground floor of the building is a commercial property. A communal doorway on Nethergate provides access to the upper floor flats.
- 4.2 A complaint was received advising that a large banner has been erected on the north east elevation of the property advertising the name of a neighbouring restaurant. On visiting the site it is considered said banner has a detrimental affect on the amenity of the surrounding area. An Advertisement Notice was served on all interested parties requiring the removal of the banner which has been erected without the benefit of advertisement consent. No parties exercised their right of appeal against the Notice.
- 4.3 To pursue this matter the Council will act in accordance with Section 26 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 which allows the planning authority to enter onto the land and remove the advertisement.

**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, the Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

**7 BACKGROUND PAPERS**

- 7.1 Copy of Advertisement Enforcement Notice.

Mike Galloway  
Director of City Development

Gregor Hamilton  
Head of Planning

GH/LC/KM

1 November 2013

Dundee City Council  
Dundee House  
Dundee