

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 23 FEBRUARY 2004

REPORT ON: REQUEST FOR DIRECT ACTION A 3-7 ERSKINE LANE, BROUGHTY FERRY, DUNDEE

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 81/2004

1 PURPOSE OF REPORT

- 1.1 This report seeks the agreement of the 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 Advertisement Enforcement Notice. The site is a Restaurant on the west side of Erskine Lane, Broughty Ferry, Dundee.

2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise action under the terms of Paragraph 2b of 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 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 removal of signage 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 opportunity implications.

6 BACKGROUND

- 6.1 The site concerned is the north-facing gable of a building at 3 - 7 Erskine Lane, Broughty Ferry, Dundee. An advert that is 2000mm wide and 1620mm high with an uplighter directly below was erected at a high level without the benefit of advertisement consent. The advert is white with black individual letters, a picture of a red chilli and a black uplighter. An application for Consent to Display Advertisement was received 14 January 2003, refused 31 March 2003. An appeal against this decision was lodged with the Scottish Executive and dismissed. The owners of the property were then served with A Control of Advertisement Notice requiring them to remove the illuminated sign. This Notice came into effect on 24 October 2003 giving 30 days to comply.

- 6.2 The owner lodged no appeal against the Notice.
- 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, cases must be reported within 6 months of the commencement of Enforcement Action so 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 advice and guidelines laid down within the Scottish Executive Development Department Planning Advise 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 a day to complete.
- 6.6 No special powers of entry will be requested, as there is provision within Paragraph 2b of Control of Advertisements (Scotland) Regulations 1984, 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 3 - 7 Erskine Lane, Broughty Ferry, Dundee and remove the illuminated signage and thereafter to take 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/MM

11 February 2004

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