

REPORT TO: DEVELOPMENT QUALITY COMMITTEE – 27 OCTOBER 2003

**REPORT ON: REQUEST FOR DIRECT ACTION AT 5 LAWRENCE STREET,
BROUGHTY FERRY, DUNDEE**

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 683-2003

1 PURPOSE OF REPORT

1.1 This report seeks authority to take appropriate action to seek compliance with an Enforcement Notice at 5 Lawrence Street, Broughty Ferry, Dundee.

2 RECOMMENDATIONS

2.1 It is recommended that 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 the necessary steps to comply with the terms of the Enforcement 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 2003/2004 and thereafter recovered from the respective landowner.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 Action to seek the removal of the satellite dish 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 BACKGROUND

6.1 The site concerned is a flat at 5 Lawrence Street, Broughty Ferry, Dundee. The building is in the Broughty Ferry Conservation Area. An unauthorised satellite dish has been installed on the front elevation of the building. By virtue of its position it is contrary to the "Scottish Office Householder Planning Guide on the Installation of Satellite Television Dishes. The owners were served with an Enforcement Notice in May 2003 and the Notice took effect on 1 June 2003. The Notice required the owner to remove the satellite dish from its existing location and relocate it in accordance with the Householder Planning Guide. The owners were given 30 days to comply with the Notice and the owner lodged no appeal against the notice.

6.2 The Council has two options to pursue this matter, the Council can either report the matter to the Procurator Fiscal or take Direct Action by entering onto the land in question to remedy the problem.

- 6.3 In carrying out Direct Action, 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 Office circular 4/1999 "Planning Enforcement".
- 6.4 No special powers of entry will be required, 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. It is intended to undertake the works immediately and that the works will take a day to complete.

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

IGSM/IAR/LC/RJ

4 November 2003

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