

REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 19 APRIL 2010

REPORT ON: REQUEST FOR DIRECT ACTION AT THE BUGHTIES NURSING HOME,
76 CAMPHILL ROAD, BROUGHTY FERRY, DUNDEE

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 213-2010

1 PURPOSE OF REPORT

- 1.1 This report seeks the agreement of members to the Director of City Development, in consultation with the Depute Chief Executive (Support Services), taking appropriate action to seek compliance with Listed Building Enforcement Notice. The site is the Bughties Nursing Home, 76 Camphill Road, Broughty Ferry, Dundee.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee authorise action under the terms of Section 6 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, to allow the Council to enter onto land and take necessary steps to comply with the terms of the Listed Building Enforcement Notice. Thereafter, any expenses reasonably incurred by the Council taking such action will be recovered from the owner/lessee.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated works shall be approximately £20,000. The costs can initially be met from the City Development Revenue Budget 2010/2011 and thereafter recovered from the owner/lessee.

4 BACKGROUND

- 4.1 The property to which this report relates is a Category "B" Listed Building, and is also located within the Reres Hill Conservation Area. The property was included on the statutory list of protected buildings compiled by Historic Scotland on the 8 May 1975.
- 4.2 The property contains a number of interesting architectural features that contribute to its historic character and appearance. An important element of the character of the property was its historic window design. This has been identified within Historic Scotland's list description: "Windows sash and case, single pane at bottom, multi-pane at top, central diamond traceried top sash at ground floor main block."
- 4.3 The issue of the unauthorised works has been ongoing since 2006 and extensive correspondence has taken place with the tenants and owner of the property. It can be seen that the Council has given every opportunity to all parties to reach a favourable resolution prior to the serving of an enforcement notice. On a number of occasions an agreement had been reached with the tenant and the City Council, however, the steps agreed have never been implemented.
- 4.4 An enforcement notice was served on the 1 July 2009 seeking to rectify the installation of unauthorised windows on the south elevation of 76 Camphill Road, Broughty Ferry, Dundee.
- 4.5 The unauthorised works include the replacement of original sash and case windows (with historic glazing pattern) on the south elevation of the main building. These have been replaced with timber sliding sash and case windows which have a one-over-one glazing pattern with applied astragals to the surface. The two bay windows on the single story extension have been replaced with UPVC tilt and turn casement windows

- 4.6 The removal of a large number of windows on the south elevation and their replacement with windows with inappropriate opening methods, glazing pattern and materials has had a detrimental impact on the character of the listed building.
- 4.7 The tenant of the building appealed the Listed Building Enforcement Notice and this appeal was dismissed by the Directorate for Planning and Environmental Appeals (15 January 2010).
- 4.8 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 cases unless every other avenue has been explored. Therefore Direct Action is the best solution available to the Council.
- 4.9 In carrying out direct action the Council will act in accordance with the advice and guidelines laid down within the Scottish Planning Series, Planning Circular 10/2009: Planning Enforcement.
- 4.10 No special powers of entry will be required, as there is provision within Section 38 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 that the windows shall be replaced on a phased basis, beginning with public rooms in order to minimise disruption. The installation of the replacement windows in this manner shall also reduce the initial costs that shall be charged to the owner.

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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IGSM/CW/GK/KM

7 April 2010

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