

REPORT TO: DEVELOPMENT MANAGEMENT COMMITTEE – 12 AUGUST 2013

REPORT ON: REQUEST FOR DIRECT ACTION AT 32 SHAFTESBURY ROAD, DUNDEE

REPORT BY: DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 310-2013

1 PURPOSE OF REPORT

- 1.1 This report seeks Committee approval for taking appropriate action to seek compliance with Listed Building Enforcement Notice in respect of 32 Shaftesbury Road, Dundee.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee authorise action under the terms of Section 38 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 landowner.

3 FINANCIAL IMPLICATIONS

- 3.1 An estimate for £4,307.50 (excluding Value Added Tax) has been provided by Head of Construction, Environment Department and there will be an additional minimal cost for storing the removed materials for three days in order for them to be reclaimed by the owners. 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 the former servants' quarter attached to the larger building of 261 Perth Road. The building is listed as being of special architectural or historic interest, Category C, and is located within the West End Suburbs Conservation Area.
- 4.2 A complaint was received advising that the original cast iron pipes had been removed and replaced with plastic pipes on the east elevation of the property. A Listed Building Enforcement Notice was served on all interested parties requiring the removal of the plastic pipes which have been installed without the benefit of Listed Building consent and they are to be replaced with aluminium pipes. The owners of the building did not exercise their right of appeal against said Notice.
- 4.3 The Council has two options to pursue this matter, the Council can report this matter to the Procurator Fiscal and 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.
- 4.4 In carrying out direct action the Council will act in accordance with the advice and guidelines laid down within The Scottish Office Development Department Circular 4/1999 "Planning Enforcement".

- 4.5 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 to undertake the works will take place within approximately one month and that the works will take approximately 5 working days to complete

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 Listed Building Enforcement Notice.

Mike Galloway
Director of City Development

Gregor Hamilton
Head of Planning

GH/LC/EC

9 July 2013

Dundee City Council
Dundee House
Dundee