

**REPORT TO: DEVELOPMENT QUALITY COMMITTEE - 15 DECEMBER 2008**

**REPORT ON: REQUEST FOR DIRECT ACTION AT 93-95 HIGH STREET, LOCHEE, DUNDEE**

**REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION**

**REPORT NO: 619-2008**

## **1 PURPOSE OF REPORT**

- 1.1 This report seeks the agreement of members to the Director of Planning and Transportation, in consultation with the Depute Chief Executive (Support Services), taking appropriate action to seek compliance with Listed Building Enforcement Notice in respect of 93-95 High Street, Lochee, 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 £500 for the works involved has been provided by Dundee Contract Services and there will be an additional cost for storing the materials for three days in order for them to be reclaimed by the owners. The costs can initially be met from the Planning and Transportation Revenue Budget 2008/2009 and thereafter recovered from the respective landowner.

## **4 BACKGROUND**

- 4.1 The property is a former bank which is a Category B Listed building located on a prominent corner on the east side of the High Street, Lochee. A Listed Building Enforcement Notice was served on all interested parties requiring the removal of roller box shutters with associated boxes which have been installed without the benefit of Listed Building consent. The owner of the building appealed the Listed Building Enforcement Notice and this appeal was dismissed by the Directorate for Planning and Environmental Appeals.
- 4.2 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.
- 4.3 In carrying out direct action the Council will act in accordance with the 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".

- 4.4 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 immediately and that the works will take a day 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, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and have been consulted and are in agreement with the contents of this report.

## **7 BACKGROUND PAPERS**

- 7.1 None

Mike Galloway  
Director of Planning & Transportation

Ian Mudie  
Head of Planning

IAR/LC/MM

5 December 2008

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