

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

SUBJECT: BUILDING (SCOTLAND) ACT 1959
DANGEROUS BUILDING NOTICE – 18-22 HIGH STREET, BRECHIN

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report requests permission to serve a Section 13 Notice of Intention to Serve an Order and subsequently a Section 13 Order on the owners of 18-22 High Street, Brechin to secure the making safe of the wall adjacent to Cross Keys Close.

1 RECOMMENDATION

It is recommended that the Committee approves the serving of a Dangerous Building Notice (Section 13 Order) under The Building (Scotland) Act 1959 on the owners of 18-22 High Street, Brechin.

2 INTRODUCTION

2.1 A crack in the arch over the Cross Keys Close has been monitored over the last year and is showing signs of progressive movement. A Form 18 Notice Requiring Operations on a Dangerous Building was served on the three owners of the property. One owner has indicated a willingness to carry out works. The other two owners have not.

2.2 The works required to make the building safe will have to be the subject of an engineer's investigation. The Form 18 Notice Requiring Operations on a Dangerous Building required:-

Employ a qualified Structural Engineer to assess the building and report on the remedial works required to arrest the movement in the east wall fronting the High Street and the nib protruding from Cross Keys Close, thereafter, carry out the works as required and under the supervision of the Structural Engineer.

2.3 The owner who has responded positively has had an initial report from a Structural Engineer who has noted concerns over the structural stability of the building and has stated that shoring works and a trial pit requires to be formed so that a full site examination can be carried out.

2.4 If the owners fail to respond to the Section 13 Notice of Intention to Serve an Order, permission is requested to instruct a contractor to carry out the shoring works and to carry out a trial dig in the presence of the Structural Engineer. The cost of these works are believed to be in the region of £1,000 including Structural Engineer's fees.

2.5 Permission is also required to serve the Dangerous Building Order stipulating the Engineer's findings and a minimum timescale whereupon if the works are not carried out the Council should instruct a contractor to carry out the works under the supervision of the Structural Engineer.

3 FINANCIAL IMPLICATIONS

- 3.1 The exact cost of the works are unknown until the Engineer has carried out a structural survey, however, he has intimated that costs could be as high as £10,000 and this will require to be met initially from the Department's budget. Should the owners fail to reimburse the Council the monies will be recouped via Charging Orders placed on the properties.

4 HUMAN RIGHTS IMPLICATIONS

- 4.1 The recommendation in this report for the serving of a Dangerous Building Notice has potential implications for the owners of the property in terms of their entitlement to free enjoyment of their possessions (First Protocol, Article1). However it is considered that any actual or alleged infringement is in accordance with the Council's legal powers under the Building (Scotland) Act and is necessary and justified in the public interest on the basis that such actual or alleged infringement is not significant or material as balanced against the need to protect persons inhabiting or frequenting the property, adjoining buildings or places or the general public.

5 CONSULTATION

- 5.1 The Chief Executive, Director of Finance and Director of Law & Administration have been consulted in the preparation of this report.

6 CONCLUSION

- 6.1 In the interest of public safety, the Committee should agree to the serving of the Orders and if necessary, on expiry, agree to the Council appointing a contractor to carry out the works specified in the Notice.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/MM/IAL
10 October 2001

Alex Anderson
Director of Planning and Transport