

PLANNING COMMITTEE	(D) Urgent Item
Date of Meeting: 8th March, 2016	
Reporting Officer: Assistant Director (Regeneration and Built Environment)	
Title: 81 Duke Street, Barrow in Furness	
Summary and Conclusions:	
Structural problems have been found resulting in the erection of a structural scaffold. A dispute may result in this being removed and it is therefore necessary for the Council to have measures in place to safeguard the listed building.	
Recommendations:	
That the Assistant Director of Regeneration and Built Environment and/or the Development Services Manager (Planning) be authorised to serve notice under Section 54 of the Act and to implement the measures referred to in the Notice and to recover costs under Section 55.	

Report

81 Duke Street is an end of terrace property situated on the corner of Duke St and St Vincent Street. Until recently it traded as the 'Antalya' hot food take away. The property is currently vacant with the use ceasing following the discovery of structural problems. These also led to this section of Duke Street being closed to traffic and pedestrians re routed to the opposite footway. The highway closure was addressed with the erection of a structural scaffold.

The scaffold remains in situ awaiting the implementation of remedial works.

I have been informed that there is a dispute between the freehold owner of the building, the leaseholder and the scaffolding company. This dispute may result in the scaffolding being removed. I am further informed that a second structural report is being arranged to establish whether in fact a structural scaffold is required.

The property is Grade II listed. Section 54 of the Planning (Listed buildings and Conservation) Areas 1990 [the Act] permits a local authority to execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area provided they are unoccupied. The works which may be executed under this section may consist of or include works for affording temporary support.

In this instance it is important that measures are in place to provide or maintain temporary support if the scaffolding contractor removes or gives notice of removal of the scaffolding.

There is no officer delegation in relation to section 54 of the Act.

Section 55 of the Act permits a local authority to recover its expenses incurred as a result of taking action under Section 54.

Background Papers

Nil