



PLANNING COMMITTEE

Date: 1st March 2012

Report of Head of Planning and Building Control

Direct action works proposed at house No. 177, Weston Street, Palfrey

1.0 PURPOSE OF REPORT

To seek authority to carry out direct action works in default at this site, where works are required by a Section 215 notice, but the owner has not complied.

2.0 RECOMMENDATIONS

- 2.1 Further to the Notice issued under Section 215 of the Town and Country Planning Act 1990 (as amended) on 7th December 2011 in respect of 177 Weston Street, Palfrey; to authorize the Head of Planning and Building Control to arrange the carrying out of those works which were required to be completed by 7th February 2012.
- 2.2 Further to the Notice issued under Section 215 of the Town and Country Planning Act 1990 (as amended) on 7th December 2011; for the event that the owner does not carry out those works which are required to be completed at 177 Weston Street, Palfrey by 7th March and 7th April 2012, to delegate to the Head of Planning and Building Control the decision to carry out any of those works which are outstanding at the due date.
- 2.3 Authorize officers to recover the expenditure if possible; including if necessary by formal actions in the Courts, by registering a Charge with the Land Registry, and enforced sale.

3.0 FINANCIAL IMPLICATIONS

The costs of employing contractors is expected to be under £5000 and would be met by external funding from the Community Safety Grant and Basic Command Unit grant, both channelled via the Walsall Partnership. Current indications are that funding may only be available for works completed by the end of March 2012. Following the carrying out of works in default the owner would be invoiced and if necessary a debt recovery process followed. The monies recouped would be passed back to the funding bodies with a request that they are available for recycling into other cases of void/derelict property.

4.0 POLICY IMPLICATIONS

The direct action works are aimed at securing a good outcome from the Section 215 notice, and therefore for the neighbourhood involved, which is otherwise unlikely to occur.

The debt recovery processes would act as a deterrent to owners of neglected property generally.

The improved outcome at the site would be in keeping with broad policies for regeneration.

5.0 LEGAL IMPLICATIONS

An owner served with a Section 215 Notice has a right of appeal to the Magistrates Court, but no appeal has been lodged in this case.

When an owner fails to comply with a section 215 notice, the local planning authority has powers to prosecute, or carry out direct action works, or both. Expenses can also be claimed for direct action works.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

Section 215 Notice has been issued to improve the level of amenity in the neighbourhood, and is considered to be in keeping with broad policies for regeneration. The further action now proposed would support that approach.

8.0 WARD(S) AFFECTED

Palfrey.

9.0 CONSULTEEES

Environmental Health (Lead Representative for recipient of CSG and BCU grants).

10.0 CONTACT OFFICER

Philip Wears

Planning Enforcement Team: 01922 652485

11.0 BACKGROUND PAPERS

Section 215 Notice..

Enforcement files not published

D Elsworthy, Head of Planning and Building Control – Regeneration.

Planning Committee
1st March 2012

12 0 BACKGROUND AND REPORT DETAIL

12.1 A brief history of this case:-

- Planning officers issued a section 215 notice in 2007.
- The first prosecution for failing to comply with the notice took place in 2008.
- Some of the front windows and a door were then replaced, but the work remained incomplete
- A second prosecution took place in February 2011, with the owner again convicted and fined.
- Despite these prosecutions the property remained seriously harmful to the level of amenity in the neighbourhood.
- On 7th December 2011, rather than pursuing a third prosecution against the original section 215 Notice, officers issued an updated section 215 notice, taking into account changes at the property and as a basis for direct action if the owner does not comply.
- Consultation with the Ward Councillors was carried out as required by the delegated procedure.

12.2 The section 215 notice issued on 7th December 2011 required in summary:-

By 7th February 2012:-

- reinstatement of structural brickwork around a rear window
- removal of all remaining window boarding
- fitting of new windows and glazing in the remaining un-restored windows.
- completing the clearance of the front garden, and clearing over-grown vegetation in the rear garden

By 7th March 2012:-

- erection of a wall, or close-boarded fence at the front of the front garden, no more than 1 metre high.
- providing a hard surface in the front garden at least as wide as a parking space (slabs, blocks or tarmac)
- any front garden areas not hard surfaced to be grassed.
- renovate and decorate some timber fascias at rear

By 7th April 2012:

- restoring the front wall of the house to 'facing' brickwork, or re-rendering it.

12.3 Those works required to be completed by 7th February have not been carried out. The owner's intentions regarding the works required by 7th March and 7th April are not known, but in these circumstances the likelihood of compliance seems small.

12.4 Officers have begun seeking quotations from contractors for the works which were required by 7th February and 7th March. The site will however be monitored for any evidence of the owner beginning work.

12.5 In respect of the works required by 7th April, there is no confirmed funding from the CSG and BCU at the time of writing, because any works in

default would be carried out beyond the current financial year. Officers will update the Committee if further information is received from the funding bodies or the owner, but authority for those works is sought at this stage so that if the owner does not comply, action can follow as soon as any confirmed funding allows.